

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF &
APPENDIX**

77-6051

B

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT
SOUTHERN DISTRICT OF NEW YORK

*****X

MUREL H. BRANCH,
APPELLANT,

DOCKET #77-6051

V

SOCIAL SECURITY ADMINISTRATION/
SUPPLEMENTAL SECURITY INCOME,
1657 Broadway, New York,

PRO SE

and

IN FORMA PAUPERIS

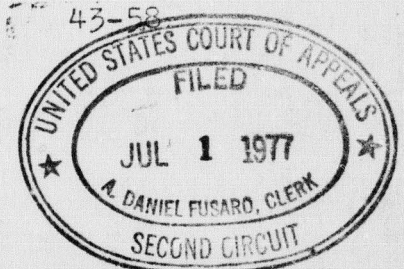
THE SALVATION ARMY/ANTHONY RESIDENCE
New York, et al.,

***** APPELLEES *****X

BRIEF AND APPENDIX APPENDIX

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A	A-1 to A-16b	Papers in Appellant's personal file, relevant to brief 18 documents	1-16b
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PAGINATION AS IN ORIGINAL COPY

Murel H. Branch, Appellant

Docket #77-6051

INTRODUCTION

As stated in preceding papers filed with the United States Courts, Appellant feels that accusations, direct as well as implied, by interviewers in the office of the Supplemental Security Income Bureau at 1657 Broadway, New York City, have all too hastily assumed that she intended to defraud the Government. Their statements to that effect may be seen in documents filed with the Regional Hearings and Appeals Board in the appendix of 58 pages filed with this brief, in Section coded "B", pages 17 through 39, beginning on 10/27/74 onward.

All documents in the appendix are discussed in detail in the brief.

77-6051

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT
SOUTHERN DISTRICT OF NEW YORK

***** X

MUREL H. BRANCH,

Plaintiff-Appellant,

v.

SOCIAL SECURITY ADMINISTRATION/
SUPPLEMENTAL SECURITY INCOME/ 1657
New York Ny, /Broadway :

and :

THE SALVATION ARMY/ANTHONY RESIDENCE,
New York, et al. :

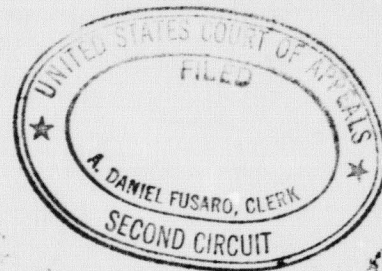
Defendants-Appellees

***** X

PRO SE
IN FORMA PAUPERIS

DOCKET #77-6051

APPELLANT'S BRIEF



I, MUREL H. BRANCH, Plaintiff-Appellant, hereby certify that this brief and all other documents submitted by her to the courts in this matter, have been prepared entirely by her without advice or assistance from any other party, and

THAT all such documents are intended, and were intended, to be a truthful account of her situation as set forth therein.

ARGUMENT

As outlined in Appellant's STATEMENT OF PURPOSE dated January 31, 1977, the allegations of intended fraud against the United States Government beginning in January 1975, are the direct cause of her filing suit in the United States District Court, and now in the Court of Appeals, Second Circuit. Paragraph 5 of the Appeal discusses dates set by the Regional office of the Bureau of Hearings and Appeals, to which can now be added that of February 8, 1977 (footnote, p.3) Appellant did not attend because of pending litigation (Appendix A-1, A-2, A-3, - her reply to notice, Dismissal Order, and Notice of Dismissal).

Although Appellant had requested in July 1976, that duplicate copies of documents in the file of that Board, previously examined by her, be forwarded to her, none reached her until September 28, 1976, when six arrived. Another group arrived October 29, 1976.

These documents consisted almost entirely of reports filed by representatives of Supplemental Security Income (SSI), the most important of which were dated in January, February, and May of 1975. Most of them seemed to be based almost entirely on reports submitted, and written, by W. Linden. All of the documents sent to Appellant by the Bureau of Hearings and Appeal were photocopies of other photocopies sent the Board by SSI office at 1657 Broadway. Appellant made photocopies of these copies which now are a part of the Appendix of this brief. They are designated by the dates received by Appellant, either 9/28/76 or 10/29/76, and are coded

"B", PAGES 17-39, further coded to show number of pages in each document, such as "1 of 4", "B-1-1", "B-1-4", etc.

The first section "A" contains copies of papers in the personal file of Appellant, marked in the margin "SSI-MHB", letters written by her to SSI, and communications from SSI. The Hearings and Appeals Bureau did not seem to have copies of ^{some of} these papers, especially her letters to them, to be mentioned later.

Appellant recalls that on January 2, 1975, when she visited the SSI office, the day she first met Mr. Linden, he asked her to sign a number of blank forms. It appears from the number of such forms forwarded from the file of the Hearings Board, that Mr. Linden filled in these forms with statements not made by appellant, after she left. Photocopies of these reports, hand-printed, were not very distinct; Appellant has typed in the wording at the appropriate lines, marked as typescript by her, for clarity. Appellant believes that his comments were arbitrary opinions, meant to place her in a false light to satisfy his presumption to prove fraud, -to be discussed under B-3 onward. But first:

Document B-1-1, B-1-2, B-1-3, B-1-4, dated Dec. 27, 1974, by B. Jungman, was filled in by her in Appellant's presence. (P.17-20). (Typing by Appellant on copy received from Hearings Board, for clarity. Note on B-1-4 that handwriting is not Appellant's, though she was asked to sign before form filled in.) Another form signed

by Jungman regarding '73 rent, dated 12/27/ ('74?) contains three different handwritings and different dates. The first two items - MBR and rent - handwritten. The next item re congregate facility, in handwriting which seems to match signature of B. Jungman. The fourth and fifth items hand-printed, dated 1/2/75, that "claimant unwilling to sign 632", and I categorically deny all allegations of "threatening" and "abuse" in Claimant's letter*. W. Linden" (*Apparently refers to Appellant's letter of January 6, 1975). (p.6-a,6-b,6-c, code A-5-1,A-5-2,A-5-3). **

In the month of January there were several visits by Appellant to the SSI office with interviews by Linden. At each of them Mr. Linden showed an accusing manner, becoming very angry at her questions, and saying definitely that ^{she} ₁ would be penalized for fraud. (A-5-2, par 4, p.6-b). She considered that His manner was intended to threaten her into feelings of guilt, to force her to give up any funds which were, so far as she could determine, legally earned by her through the Social Security System to which she had contributed for many years (and which she understood would pay her benefits for ALL THE YEARS she had contributed to the program - from the beginning in 1937).

Other letters written by Appellant to the SSI office were:

January 2, 1975 B. Jungman, left with W. Linden on that date.

p.4, A-3. Her reply, received January 16, 1975.

p.5,A-4. Not dated.

January 20, 1975 B. Jungman, p.7,8,-A-6-1, A-6-2.

January 27, 1975 W. Linden, p. 9, A-7.

** The form mentioned above, dated 1/2/75, both coded B -2;- one "as is", meaning showing typescript (p.22); the other (p21) "w.env.", showing return address of Bureau of Hearings and Appeals, to indicate that the document came from the file of the Hearings Bureau. The Hearing Board did not have copies of these letters in its file when examined by Appellant.

"Statement of Claimant", p. 23 and 25, B-3-1 and B-3-3, was Linden's rewriting of A-2-1 and A-2-2, on 1/2/75 but not signed by him. A typescript of A-2-1 as B-3-2, p. 24, with not added and signed by Appellant as of November 10, 1976, was put on the back of B-3-1 copy sent by Hearings Bureau, to avoid crowding. The first two paragraphs were written by him, and the sentence, "I wish to have these changes," etc, were not said by Appellant. The signed statement was all she said. The rest is somebody else's wording.

The form, "without Fault Questionnaire", p. 26 and 27, B-4-1 and B-4-2, dated 1/2/75, signed by W. Linden, contains statements by him in his hand-printing, with Appellant's answers in her handwriting identified by her initials in the margin, and her signature also initialed. On p. 27, B-4-2, his comment is open to question, as to "Claimant is extremely anxious to avoid any implication of wrong-doing to the point of excessive scruple".* He misunderstood and misinterpreted. Although that report is dated 1/2/75, there may be a question as to the validity of that statement, and that of other documents signed by him as of 1/2/75. (on separate page).*

Another report written and signed by Linden and dated 2/27/75, Report of Contact, p. 28, B-5, is mostly false, as noted in type in the right-hand margin. Appellant's response is typed below the typescript of his statements. Her letter of 2/28/75 appears on A-9 page 15, A-14. This handwriting is same as that on envelope page 11-b/ which was same as handwriting of message of 2/4/75 re overseas.

Papers in Appellant's personal file, A-7 through A-14; Appellant's letter dated January 27, 1975, was not answered. Note from Mr. Linden dated January 29, 1975, A-8, p. 10, - Appellant's request to Mr. Linden dated February 3, 1975, for clarification, was returned by him, postmarked 2/4/75, with demand about money "entrusted by someone overseas". Appellant responded 2/10/75 by denial.* The three messages appear as A-9, A-11-A, with envelope imposed on p. 11-b, code A-10. His accusation is entirely false, and has never been cleared up. (See T. Hughes' Report of Contact dated 5/9/75, p. 4 of 4, #32, B-6-4, with Appellant's comment at that point.)

The report of Thomas T. Hughes dated 5/9/75, is based apparently, largely upon the previous reports of W. Linden. (paged 29-32, B-6-1 through B-6-4). Many of his statements are inaccurate. Appellant came to the SSI office in response to Mr. Stamler's written request dated December 18, 1974. It was after May 1, 1975, that Appellant first met Mr. Hughes when she reported that her May 1 check had not arrived. She first appeared on December 27, and was seen by Mrs. Jungman, who said nothing about redetermination or decision. The notice dated 4/14/75* appeared to Appellant to be ^{an} extortionary demand bordering on blackmail, without any proof of legal authority, without the name of an authorized representative, no signature, no legal form. There is no itemized explanation as to the content of the demand. In effect it is anonymous and deceiving, as well as devious, even though it purports to be a letterhead of the Department of Health, Education and Welfare, Social Security Administration. It contains false charges. It will be further discussed later in this document. (*p.35, B-10. The SSA amount of \$9727 will also be discussed then.

Mr. Hughes statements on page 2 of his report (2 of 4) are not true as written. The same with his (3 of 4). His (page 4 of 4), mentioning "money entrusted", etc.: Appellant discusses this on page 4 of this brief, last paragraph, referring to Appendix A, pages 11a and 11b, coded as A-9 and A-10. - Which letter is not in the file? - Appellant has not mentioned any letter of Mr. Linden of January 19, stated by Mr. Hughes. Her letter of February 3, 1975, refers Mr. Linden to Appellant's letters of January 27 and 29, 1975. As already described on page 4 of this brief, it should be clear that Appellant considers his handwritten note AN ENTIRELY FALSE ACCUSATION, made up by Mr. Linden out of his imagination. His statement, contained in an envelope postmarked 2/4/75, "what you told me", etc. has no basis in truth. Perhaps Mr. Linden did not keep a copy of his handwritten note on Appellant's typed letter which he returned to her; she could not copy his handwriting, but typed it on her carbon copy with her answer dated February 10, 1975; but all three messages on one sheet sent to him.

Page 29, B-6-1: Miss Branch did not state "she wanted to resolve her redetermination and eligibility". She inquired only about her check for May. She had reported on 12/27/74 as requested. She was not informed of any redetermination, nor of any problem. Notice of 4/14/75 previously mentioned. What is meant by a "systems generated check of March 74?"

Page 30, B-6-2: The several checks returned by Appellant had been cleared by her and the SSI office in a lengthy report. She said nothing to Mr. Hughes about presenting receipts to him. He should have found the papers in the SSI file. All statements on this page by Mr. Hughes are not true as given.

Page 31, B-6-3: Although the Social Security amount arrived at a certain time, it was not income as such. It was delayed payment on previously earned income while employed, upon which taxes had been paid by withholding from salary earned in previous years. In the several interviews between Appellant and Mr. Hughes, he seemed to repeat what other interviewers had said about "\$1500" and "resources". There was no discussion of correspondence or definitions, - there did seem to be a reluctance by the several interviewers to separate the SSA award and the SSI payments. Her questions on this point were always evaded.

Page 32, B-6-4: "Money entrusted - - -" etc. See page 4, this document, last paragraph. Please note: reference to page 11-b, A-9, that handwriting on envelope is same as that in which Linden's message postmarked 2/4/75 was written originally, and is same handwriting as that on Linden's report dated 2/27/75.

(It may be remarked here that Appellant did not make a photocopy of the three-message page including the handwritten portion coded as A-9, assuming at that time that a simple correction of the record would be made. There seems to be concealment of any source of that error, by someone in the SSI.)

Appellant's statement of February 10, 1975, addressed to Mr. Linden and signed by Murel H. Branch, will stand forever:

"No one - but NO ONE - has ever entrusted me with ANY money not belonging to me."

Pages 33 and 34, coded B-7 and B-8, re letter by Mr. Hughes.

Pages 35 and 36, coded B-10 and B-11, Notice of Decision and memo as to hearing.

Pages 37 and 38 of this document, coded B-12 and B-13, District Office Record of SSI Reconsideration, dated 9/3/85, and signed by Robert Rohr as acting O/S. The form shows date requested as 2/19/75,- apparently refers to Appellant's letter of that date addressed to SSI,- formal conference on 8/7/75; No HEW evidence presented; representative marked "other", and "present". Meeting was set up by Candace Dziuba, social worker employed by the Salvation Army. She did not tell Appellant that she was representing her, nor that it was a conference. Appellant considered that C. Dziuba was acting as a witness for her employer, because she did not participate in the discussion with Mr. Rohrs, but acted merely as an observer. Page 38, B-13 contains typescript of handwritten report. Appellant's reply typed below his statement.

Appellant told Mrs. C. Dziuba later that she had not wanted her to accompany Appellant, that she was capable of going by herself as she had in the past. Appellant requested Mrs. Dziuba to get an itemized statement of figures claimed by Mr. Rohrs for SSI, and was later informed that that he would not provide such a statement.

Page 39, B-14, headed Supplemental Security Income Notice of Reconsideration, dated November 5, 1975, saying an informal conference was held on August 7, 1975 (the report says "formal", above).* He may have allowed "additional Time" but had not said so to Appellant, who had not made any promises as to what she would do.

The section of the Appendix coded with the prefix "B" denotes documents received in photocopy from the office of the Bureau of Hearings and Appeals regional Office in New Jersey, including B-1-1 through B-14, pages numbers 17 through 39. These documents were seen in the New York office of the Bureau at 250 Broadway on July 20, 1976, in person by the Appellant, who made a list of what she had seen at that time. The copies were sent at her written request, and are marked by her as to date of receipt, either 9/28/76 or 10/29/76.

*One example of discrepancies in the record.

NOTE: Appellant's first name is not Muriel, as misspelled by both W. Linden and R. Rohrs, - no "i".

W. Linden's reports when Appellant first met him on 1/2/75, he requested her to sign her name on several blank forms, which he then filled in with his own wording.

Page 23, with typescript on page 24. Appellant's signed statement below his, in her handwriting, differs. Page 25 which follows it, is unsigned, but dated 1/2/75. Page 26, "No Fault", dated 1/2/75, signed by W. Linden, shows statements by him in his handwriting, with Appellant's responses in her handwriting. B-4-1. The second page of the same document, B-4-2, page 27 - his statement is open to question, *See below, because ~~he~~ had not seen it before examination of the file ~~file~~ at the Hearings Bureau office. It would seem to have been filled in later. Further, page 22, B-2 (two sheets) bear two statements by him dated 1/2/75, which were filled in afterward on Mrs. Jungman's report dated 12/27/74.

About the time ~~initially~~ Appellant first met Mr. Hughes, May 1975, she was informed by Mr. Rohrs that Mr. Linden was no longer with the SSI, for the reason that he was not able to deal with the public, replaced by Mr. Hughes.

Appellant therefore raises the question: "Can the reports of Mr. Linden be accepted as valid in this matter?" Yet it appears that later interviewers have been basing their opinions on his. From the beginning, Appellant has felt that ~~there were~~ there were distortions and misrepresentations to which she objected, and she became convinced of them when she examined the reports sent to the Hearings Bureau which she saw for the first time there. Mr. Linden's angry reaction to her questions on 1/2/75 and later amounted to verbal abuse as she stated to Mrs. Jungman.

*It was clear to Appellant that Mr. Linden was very anxious to work up a fraud case to his credit, as evidenced by his haste to make photocopies of her records. She ~~felt that to seize her own~~ ^{there was an intention} personal papers to use against her by entrapment, and that this was a form of trickery, and deceit, as well as invasion of privacy. Page 27: Linden's "implication of wrongdoing", and "excessive scruple". Page 28: Appellant made no such allegations as to any funds.

In July 1976, Appellant was informed by Mrs. Conti of the Regional Hearings and Appeals Bureau that the Administrative Law Judge appeared in New York City only on Tuesday mornings to hear appeals, and that he always took the files back with him. Notices of Appeals mentioned that the files could be examined at the Hearings office either before or during hearings, which usually lasted about fifteen minutes. Since it took Appellant some two hours to go through her file and noting each entry, Appellant feels there could not be a fair hearing in the time allotted, especially as the judge would probably base his findings on the contents of the file, which were plainly biased against her as shown by copies sent her by the Bureau at her request, and now appear, photocopied, in the appendix of this case, under the Code "B". Further, there would be no time at the hearing for her to present her objections as is being done in this brief. Under such circumstances there could be no fair hearing, and no opportunity for corrections to be made.

Further, since a hearing in the matter was not scheduled by the Bureau until about a year and a half following the substance of the contents of the reports sent to the Bureau, and since also the SSI recipient had received no information within the same period of eighteen months that she would be permitted access to the records so filed, and be permitted to request duplicates of the documents therein;

AND THAT, apparently no provision is made for a claimant to prepare an adequate answer to any charges and allegations made by an SSI office WITHOUT PRIOR knowledge of such charges and allegations IN ADVANCE of a hearing,- AND

a Claimant could be convicted entirely on false evidence, as would appear to be the case with the present Appellant, Murel R. Branch, as set forth in the preceding pages.

Mr. Rohr's mention of February 19, 19, 1975 as date when hearing was requested, Appendix page 37, code B-12, and page 7 this document, indicates one long time lapse, among others, in this case. There were other requests, but "We are not ready for hearing", Mr. Rohr replied.

This brief is unfinished because of deadline for filing, and stops with page 9. An appendix of 58 pages is filed herewith, to which further reference will be made in additional pages of the brief, similar to those already indicated.

All documents in this case have been prepared by the Appellant herself, without assistance or advice from anyone. She is appealing the USDCSD action PRO SE and in forma pauperis because she lacks funds to pay an attorney.

(Signed) Murel H. Branch
Murel H. Branch

Date May 31, 1977
~~May 31, 1977~~

CONTINUATION OF APPELLANT'S BRIEF, interrupted as of May 31, 1977, page 10, preceding.

Because of cross-references between Sections A (personal file of Appellant) and B(photocopies of documents received by Appellant from file of Hearings and Appeals Bureau, as previously noted) some of which duplicate each other, particular notice should be taken of the following:- "money entrusted by someone overseas" (Linden):

Page of this brief	Section	Code	Appendix Page	Mention by	Date
4	A	A-9	11-a,11-b	WL,MHB	2/4/75
		A-10			2/10/75
	B	B-6-4	32	TH	5/9/75
5	B	B-6-4	32	TH	5/9/75
4 & 6	B	B-6-4	32	WL	2/27/75
Without Fault Questionnaire, signed by W. Linden:					
4	B	B-4-2	27	WL	1/2/75

His statement, "Claimant is extremely anxious to avoid any implication of wrongdoing to the point of excessive scruple":

Appellant believes that this statement was written by W. Linden on the second page of the "Without Fault" Questionnaire, page headed "District Office Statement", and attached later, though both pages show the date, 1/2/75. However, she can understand why he might draw such a conclusion. (See page 12¹).

As stated on page 3 of this brief, Appellant felt that Mr. Linden's manner toward her had been overly threatening and abusive; her documents in the appendix, pages 4 - 5, code A-3, A-4; Plaintiff's Petition to Appeal USDCSD case 76 Civ. 698, page 3, and documents filed with the District Court 2/11/76, support her statements on this point. See Appellant's original complaint filed with the United States District Court Southern District on December 5, 1975, entered on the docket as #1 under date of 2/11/76; page 2, IIIc), d),e). Also page 3, IVa), b); also page 4, IVi), j); page 6, VIIe), f). Amended complaint dated February 27, 1976, entered on the docket as #5 on 3/3/76, page 6, Summary, paragraph 3.

Linden's statement as to "wrongdoing" and "excessive scruple", (preceding page), dated 1/2/75: There would seem to be a reasonable indication that this statement, as well as others of the same date by Linden, had been written some time after that date, as previously mentioned; Page 27 of appendix, code B-4-2, page 4 of this brief. Pages 21 through 28 of the appendix contain reports by Mr. Linden, (one unsigned, but in his handwriting). What he describes as "extremely anxious to avoid any implication" may have been his interpretation of what he thought he saw in the Appellant. As stated on page 2 of this brief, paragraph 4, "Appellant believes that his comments were arbitrary opinions, meant to place her in a false light to satisfy his presumption to prove fraud". And, on page 8, this brief, paragraph 5, she sums up her reaction to Mr. Linden's insistence that she submit personal papers.

Page 1 of her Petition to Appeal, dated January 31, 1977, paragraphs 2 and 3, page 2; paragraph 6 on page 3, concern Appellant's belief that there had been distortions and misrepresentations on the part of Linden and other interviewers as to her intentions and understanding, and were intended to put her in a false light on the basis of a retroactive social security award which she had earned through her years of employment.

Page 8 of this brief, paragraph 8, states her feeling that she was wrongfully being put under duress both to 1) sign papers in advance of any writing on them, to be filled in later by someone else, and 2) to submit personal papers on demand to be photocopied without her permission. She felt that this was an unwarranted, illegal seizure of her personal papers and private property, for the purposes of using her own statements against her. She became aware of this intent on January 2, 1975, and she became strongly convinced of it through succeeding interviews; therefore it seemed advisable to her to protect herself from being subjected to further misrepresentation as to any "implication of wrongdoing".

Mr. Linden's statement on page 28 of the appendix, code B-5, "I have despaired of getting more cogent information from her", dated 2/27/75, may be related to his comment on page 27; but the two comments here marked "x", and labeled "False" by Appellant are that.

Appellant's letter dated February 28, 1975, mentions a telephone talk with Mr. Linden on the preceding Thursday. He was very demanding and spoke in a scolding tone. It may be that his report of 2/27/75 was related to this call. (Page 28, code B-5).

NOTE. Mr. Hughes in his report dated 5/9/75, page 32, code B-6-4 of the appendix) mentions Mr. Linden's message as to "money entrusted", (see page 6 of this document).

Mr. Thomas T. Hughes Report of Contact dated 5/9/75, four pages; appendix pages 29 - 32, code B-6-1, B-6-2, B-6-3, B-6-4. Comments by Appellant in right-hand margin. The 4-14-75 Notice of Decision was a demand, and did not explain what was involved. ^{and p. 35, 36).} (p. 29). (See pages 5 and 6 of this brief). The notice states: "We have determined - ". It appears to be an arbitrary judgment. Mention of "a systems generated check of March 74" is vague. No claims are itemized. Page 30 mentions a letter of January 19, 1975, by Mr. Linden. Appellant believes that date is an error by Mr. Hughes. On the whole, Mr. Hughes' statements do not present a true picture. Appellant recalls that on the several times she saw Mr. Hughes, he had little to say to her, beyond "resource" and \$1500" and "income". He did not say that the May check would not be issued, - that was the reason for her inquiries - He did not mention overpayment, or checks returned, or receipts; he did not mention Linden's "8200" or "entrusted" amount. His letter contains two errors; dated May 22, 1975. (p. 34, 35).

Pages 37 and 38 of the appendix are a report of District Office SSI Reconsideration, dated 9/3/75, signed by R. Rohrs. It appears that decisions were made arbitrarily between Mr. Rohrs and Mrs. Dziuba, without consulting or notifying Appellant. Page 39, Notice of Reconsideration dated November 5, 1975, Marked "copy" (handwritten): These three pages, 37, 38, 39, coded respectively B-12, B-13, and B-14, were received in photocopy from the Hearings and Appeals Board, by the Appellant, on September 28, 1976, as marked in the right-hand margin. It was on that date, for the first time, that Appellant had received any information connected with her meeting on 8/7/75 in the Midtown SSI office with Mr. Rohrs and Mrs. Dziuba. The Notice of Reconsideration is not signed, though purports to be on a letterhead of the Social Security Administration.

(Other unsigned communications have been received similarly).

Although this Notice was addressed to Appellant (first name misspelled), she did not receive the original; accordingly she was not notified, or received notice, until eleven months after it was supposed to have been mailed to her. To be clear as to its contents, it is quoted in full as follows:

"An informal conference was held on August 7, 1975, at the Midtown District Office. Your case was fully reviewed and explained to you on what basis we feel there are excessive resources on your part. In particular the question of disposition of the large retroactive Social Security check of \$9,727.00 was covered.

"We have given you additional time to submit your bankbook and documentation of your expenses and you have failed to do so.

"Under the Supplemental Security Income laws, to be eligible you must have under \$1,500.00 in resources.

"To the best of our knowledge, you are still over the resource limitations of the Supplemental Security Income program and your check has been correctly stopped."

The notice is not accurate as to review, explanation, or additional time, besides not having reached Appellant in the proper way.

Under date of August 15, 1975, Appellant addressed a letter to Mr. T. Hughes at the SSI office, requesting a verified bill of particulars concerning issues raised in the matter. No reply was received. A photocopy of this letter follows as page 15 of this brief. She requested Mrs. Dziuba to try to obtain a statement, and by note dated August 27, 1975, ^{Mrs. Dziuba} stated that Mr. Rohrs would send a statement. Under date of August 14, 1975, Mrs. Dziuba submitted a letter to SSI for Appellant to sign, but it was not what she required, and she returned it. Appellant writes her own letters. Later Mrs. Dziuba said Mr. Rohrs would not issue a statement.

MURIL H. BRANCH

Permanent Mail Address
P.O. Box 99
New York NY 10024

Mr. F. Hughes, Claims Representative
Social Security Administration 331
1637 Broadway
New York NY 10019

S.S. 121-12-5528

August 16, 1975

Dear Mr. Hughes:

For the purpose of clarifying several issues, I am asking the Supplemental Security Income Agency to submit to me an officially verified Bill of Particulars to cover the following points:

1. The Agency's reasons for having accused me of fraud beginning last December, and the grounds on which they are based; including:
 - a. Charges of "concealment" which have not been explained.
 - b. Charges of "overpayment" on duplicate checks which were refunded in 1974.
 - c. Charges of "overpayment" related to SSI and SSA checks.

Please submit a detailed statement showing clearly what each item represents, and the reasons for it.

- d. "false actions of 'overseas funds'".
- e. "stop-check actions":
 1. as of April 1973
 2. as of August 1974, based on "use of the \$77.27 Social Security check".
- f. "Notice of Decision" demanding payment of a large amount alleged to be "overpayment".
- g. A letter in my address "use of the \$77.27 Social Security check". This is the only paper received which carries a signature.
- h. The "actions" and "Decision" do not carry my signature to validate that they are authorized procedure.
- i. A photostat copy of form "SSI Overpayment and Disposition Determination" showing various figures, contains a number of errors. It does not indicate that the figures represent.

I request SSI to submit to me a carefully verified, complete Bill of Particulars, over the authorized signature of a certified officer of the Supplemental Security Income Agency, as outlined above.

Very truly yours,

(Miss) Muril H. Branch

During the interview on 12/27/74 with Mrs. Jungman, Appellant asked her what was meant by the term "Supplemental Security Income". She replied that it was term they used. Appellant asked her if it did not mean an additional amount to regular social security; there was no reply. Either the word "supplement" does mean an addition, or its use in this way is misleading.

Pages 2 through 39 of this brief constitute a review of the duplicate documents forwarded to the Appellant by the regional Office of the Bureau of Hearings and Appeals, and are identified by the Code letter "B". Her analysis of these documents is presented in this brief, beginning on page 2 through 15, and is based on their content as given in those papers which were sent to the Appellant by the Bureau at her request.*

As stated by Appellant, many of the statements seen by her in the Bureau's file on July 20, 1976, had not become known to her before that date. She became convinced then, after reading them, as she had suspected early in 1975, that she was being misled and misrepresented by the SSI interviewers - because of their insistence that she was attempting to defraud the Government (on what basis was never defined) by "concealment" (that was not defined either), by their angry demands to see papers, and their arbitrarily taking possession of them, by and for photocopying them as if they had a right to such possession, without her permission. Appellant feels that this was a violation of her individual right to determine for herself the use for which her personal property could or should be put. It was also a violation of her rights to request her to sign blank forms, and an additional violation of her rights, that someone else should write on those forms statements which she herself did not make. (This brief, pages 2, 3, 4, 8, 12. USDASD **complaint data** 12/5/75, filed 2/11/76 #1, p.2 f. Petition to Appeal dated January 31, 1977, #33, filed 2/25/77, certified and filed 3/ 11/77, #34,- p.1,2).

*Also, USDASD, Plaintiff's personal statement dated September 22, 1976, filed, 9/28/76, #18, refusal to perjure herself by reason of those documents in the Hearings Bureau file.

There were other documents in the file of the Hearings and Appeals Bureau, some of which Appellant had written to SSI or had received from SSI, and which speak for themselves unless she has questioned them in this brief. Also included in the file were photocopies of documents made by the SSI office of papers she has taken in at their request. They were:

Certificate of Social Insurance Award, dated 9/4/74, mailed to Mr. Linden with Appellant's letter dated February 28, 1975. (See appendix page 15, Code A-14, and page 13, this brief).

Cancelled bank promissory notes totaling \$2980. showing repayment of student loans, September 1974.

Dental bill, Dr. Spalten, 5/1/75, \$1281.

Appellant holds a Bachelor of Arts degree^{in English Literature} from Pace University, 1970, and a Master of Arts in Liberal Studies degree from The New School, 1974, both in New York City. All of her studies were taken in evening classes while employed most of that time in self-supporting daytime work. Without the assistance of student loans, recommended to her by her schools, she could not have completed the requirements for graduation. Her first concern upon receiving the social security check was to repay her student loans in full at the soonest possible moment. This she did within the time limit to obviate the requirement for payment of interest which would have become due shortly. She was in need of dental work. If she had tried to evade repayment of her student loans the responsibility for them would have fallen back upon the Department of Health, Education, and Welfare, and the United States Government, and the State of New York.

Appellant considered then, and still considers, that it was her obligation and hers alone, to handle this matter without consulting anyone else. She had no doubt about that.

When the SSI interviewers showed resentment about this, Appellant felt that it was unnecessary interference with her personal affairs. If she had been paid a reasonable salary for her work in previous years she would have been able to pay her tuition out of her salary without recourse to loans. As stated elsewhere in her papers filed in the courts, she has contributed through payroll deductions to the Social Security System since it began in 1937,-

- - - the award began ONLY with 1970!!!!

Appellant believes that she has a legitimate claim to receive further benefits from her social security payroll deductions FROM 1937 TO 1970, AS ACTUALLY PROMISED BY THE U. S. Government at the beginning of the program. This should be entirely aside from the present litigation concerning SSI payments.

She raises the question: When the Government has awarded a definite amount as social security to a citizen under its promised program, can another arm of the Government proceed to dictate the use and disposal of that amount for a prescribed Use? without the consent of the beneficiary, the recipient of the original, promised (by the Government), legally earned (by the recipient's regular payroll deductions) return to which, according to the original program, she should be entitled? Does she not have a right to ask such questions, and any other which to her seem pertinent, as to the handling of any funds which, by her efforts to support herself although not always adequate to her well-being, ^{not} have been entrusted by payroll tax deductions to her Government? Has ¹the Government then made a commitment which it should honor, to its citizen?

AND WHY? why did not the Social Security Administration include the years 1937-1970 in its award? Appellant had, every few years, written the Administration at Baltimore, for verification of her total earnings on record there; each time the Government total agreed with hers, until shortly before the period of the present award, when she questioned their figures, but received no answer.

Accompanying the Certificate of Social Insurance Award dated ^{DREW} 9/4/74 ¹was form EI36(C), "Additional Information About your Claim" (Appendix A-16, page 16b; also B-5, page 28), which states that if the recipient differs from the reconsideration (actually, Appellant had received no notice of any consideration or reconsideration) a hearing might be requested within six months, which would ^{be} February 1975. Appellant had intended to do so, but it was at this time that the SSI matter was consuming a great deal of her ~~attention~~. She believes that she has a valid claim to social security benefits for the years preceding 1970. Retroactive though such benefits might be, upon actual receipt, they should not be considered subject to demands upon the recipient for any and all claims which sundry individuals might choose to press upon her. IF she earned the income upon which such benefits are based, and was free to choose ^{the use of} ~~that~~ income at that time, then the use of any benefits from it, should be her decision alone.

Resuming from page 16, this brief, and referring to Mr. Linden's statement of 2/27/75, page 28 of Appendix A, B-5, and of 1/2/75, page 27, of appendix, B-4-2, what he mistakes as "excessive scruple" was a form of self-protection against what had become evident to her, that he wanted to lead her into what he could call an admission of wrongdoing, to use against her, - in other words, to incriminate herself. It was for that same reason that she did not comply with later requests after the papers which were photocopied (page 17 this brief), had been submitted.

This concludes her comments (Appellant's) on documents filed by the SSI with the Bureau of Hearings and Appeals, as she had examined them in that office, and in the duplicates mailed to her. (Appendix "B") 1

Appendix coded "C" deals with Notices of hearings by the Hearings Board, pages 40-43. Hearings had been scheduled for July 6, 1976, September 28, 1976, November 9, 1976, and February 8, 1977.

Page 40, code C-1, an Order signed by Edward J. McNeil, Administrative Law Judge, dated February 9, 1977, and Notice of Dismissal of the same date, page 42, Code C-3, summarizes the Bureau's action. Page 41, Code C-2, is Appellant's reply to the Notice of Hearing scheduled for 2/9/77. It is similar to her replies to notices of previous hearings, which referred to the case pending in the United States District Court, while this refers to the case in the Court of Appeals. In each case Appellant stated clearly that she had not waived any rights nor abandoned any claims she may have in the matter, even though the Judge seemed to have determined that she was abandoning the claim. Neither had she requested any postponement of any kind. She stated in each case that she wished to have the entire matter handled in the United States District Court, and when that case was dismissed she carried it to the Court of Appeals, Second Circuit. It was six months after Appellant had filed ~~request for hearing~~ request for hearing, and eighteen months after the SSI had determined that Appellant's claims were fraudulent* (Appendix "B", documents turned over to the Hearings Bureau by the SSI, and which have been questioned and analyzed in this brief).

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*before the Bureau showed any interest in her request. It was also six months after she had begun suit in the District Court.

It seemed inadvisable to Appellant that there should be more than one legal action at the same time on what was essentially one issue, i.e.: the supplemental security income payments as related to the accusations of fraud set up by the SSI interviewers, when the issue had already been outlined in documents filed in the District Court well in advance of any evidence to the Appellant that a hearing was likely to be considered. Nearly a year had elapsed before action was entered in the District Court.

Judge McNeil is in error in the second paragraph of his Order, in stating that "claimant did not appear, and prior . . . did not show cause as to why she ~~was~~ could not appear". Her reason was typed on the reply card mailed 2/2/77 - pending action in the U.S. courts.

Further, it is noted that the dates of hearings set for 11/9/76, and 2/8/77,* closely coincided with dates of Civil Court case L&T 116647/76, set in action begun by The Salvation Army in suit for judgment against Appellant. By reason of being named as one of the principal defendants in the U. S. District Court case, The Salvation Army has used various means to separate itself from Appellant's original action, without giving up its attempt to keep a claim on any funds which they think she may have. It seems apparent that the Civil Court case was begun by the Salvation Army in the expectation of diverting her attention from pursuit of the District Court action by maneuvering to have it dismissed. The administrator of the Anthony Residence, Howard Daniels, as agent, has not wanted to admit to Appellant that the Anthony Residence has a direct relationship to the SSI as it concerns the Appellant. This will be discussed under the section coded "D", to follow.

*The Civil Court case was concerned with only one phase of the larger issue, that of SSI payments, of which it was a part, and from which it cannot be separated.

Photocopies of notices of previous hearings are not included in the appendix, to avoid overloading the files with similar matter.
Civil Court case L&T 116647/76: (Non-payment)

11/1/76 Notice of Petition, with affidavits of earlier dates affixed, including affidavit of service, Notice to pay rent, dated 9/23/76. Answered by Murel H. Branch 11/9/76, mailed 11/9/76.
11/19/76 Appearance in court. and on 12/29/76, Judgment without evidentiary proof by landlord.
11/12/76 Copy of Plaintiff's answer (Respondent-Tenant) mailed to U.S. District Court.

After some delay caused by Appellant's (Respondent-Tenant) not knowing how to proceed while seeking information, she filed an appeal from the judgment with the Appellate Term of the Supreme Court of New York State. There was considerable reluctance by the Clerk of the Appellate Term to permit her to file an appeal pro se as a poor person unable to pay a lawyer; their advice was to get a lawyer. Her appeal was filed 3/29/77; The Appeal was denied by court order dated 4/27/77. An earlier petition by Respondent-Tenant for stay of judgment was denied by Civil Court. There are other papers in the record. She was evicted by the Salvation Army on Thursday, May 5, 1977, as may be noted in the appendix, pages 45-58, coded D-3 to D-13.

The Salvation Army has attempted to interfere with Appellant's pursuit of her rights to be heard in this proceeding, thereby complicating the matter. There will be further discussion on this point later in her brief.

According to the affidavit of Barry L. Powell dated April 22, 1976, the SSI established a guaranteed income level for its recipients, which was not maintained in the present case. Appellant had depended upon regular SSI payments to cover her rent to the Salvation Army; its agent knows this; but would not admit it to her. The stoppage of SSI payments as of May 1, 1976, obviated rental payments at the rate charged.

Because of the rent situation, the administrator, as agent for the Salvation Army, has told Appellant that she is dishonest, incompetent, and morally irresponsible. It may be mentioned that in March 1974, shortly after coming to the Anthony Residence, she was sent by their request to Bellevue Hospital for mental and physical examinations, saying it was required (no reason given). Dr. Parker, the physician, and Dr. Franklin, the psychiatrist, both told Appellant that she did not need them, and that the hospital did not need her. She has remained well and active since.

Under date of February 23, 1977, counsel for the Salvation Army addressed to Appellant a "proposal" (attached), shown in the appendix as pages 43 and 44, coded D-1 and D-2, to which she replied under date of March 31, 1977:

"The paper you have mentioned, by reason of threats therein, constitutes attempted extortion and blackmail. The matter continues in the court."

Howard Daniels refers to this in a note dated 3/28/77, page 50 of appendix, D-7.

Petition to Appeal, 1/31/77, pages 7, 8, paragraphs 12, 13; The following three pages of this brief, - 23, 24, 25 - are photocopies substantiating Appellant's statements in appeal. The first is the letter referred to in paragraph 13, page 8. It was later learned that the 1515 Broadway address is listed as a New York office of the U.S. Department of Labor. Page 24 is Appellant's reply, and page 25 is her personal memorandum of what transpired.

On page 10 of her Petition to Appeal, mention is made of letters by Attorney Myron J. Meadows addressed to Judge Stewart concerning conferences set for April 20, May 26, and August 12, 1977, with carbon copies addressed to Appellant. There was no court order or notice for her to appear. Upon examination of the U.S. District Court docket there is no entry for a conference on April 20 nor for May 26. There is an entry, #12, on 7/28/76 for defendants' motion ret. 8/12/76; #13, same date, defendants' memoranda same motion; #15, filed 8/1/76 SA affidavit and motion to dismiss complaint, ret. 8/12/76. Appellant did not receive any notice of these motions, or of any decisions resulting therefrom.

The letter from 1515 Broadway, dated November 22, 1976, apparently refers to Barry L. Powell's affidavit, above-mentioned, paragraph 11, concerning SSI payments. "Per a district court decision", says the letter, "as a final decision was not made on your pending court case with us". Appellant had no knowledge of the "us" at that office, not having heard of them before. Incidentally, that letter was addressed to 119 East 29 Street, which was not, nor intended to be, her mail address.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
Reg. Unit

Social Security Administration
1515 Broadway
New York, New York 10036

Phone #: 399-4920
Hours: 8:30-4:30

REPLY TO:
Mural Branch
121-12-5588

November 22, 1976

Mural Branch
Anthony Residence
119 E. 29 St.
New York, NY 10016

Dear Ms. Branch:

Major Howard Daniel of the Salvation Army contacted us on 11/22/76 requesting we send you written verification of the following for your court case with the Salvation Army.

On 5/28/76 one of our representatives phoned you to arrange a hand delivery of your retroactive check for \$2,625. This check dated 5/27/76, represented your Supplemental Security Income payments for May 1975 thru November 1975 at the rate of \$375 a month. Per a district court decision, this check was made available to you as a final decision was not yet made on your pending court case with us. On 5/28/76 you advised us that you did not wish to accept the above check as your case was pending in court. The check was then returned to the Treasury Department.

Sincerely,

Ms. M. Livrerio
(Ms.) M. Livrerio
Service Representative

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

1515 BROADWAY (9TH FLOOR)
(NEAR W. 45 ST.)

NEW YORK, NEW YORK 10036

District Office

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY
STAGE AND FEES PAID
U. S. DEPARTMENT OF H.E.W.
HEW-397



MUREL H. BRANCH

119 East 29 Street
New York, N.Y. 10016

November 26, 1976

RE: 121-12-5528
Your letter 2/22/76

Ms. M. Livrerio
Service Representative
Social Security Administration
1511 Broadway - 9th floor
New York, New York 10036

Dear Ms. Livrerio:

Your letter is obscure, and contains inaccuracies. Major Edward Daniels has no authority, so far as I am able to determine, to make any such statements, nor to undertake to take any action which presumes to represent me, according to the contents therein.

I have never at any time received any certified communication from any duly authorized individual or agency, in writing, concerning the details you mention.

Therefore, I consider your letter to be spurious. I have never had any contact with your office.

Very truly yours,

(Miss) Murel H. Branch

S.S.I. - MEMORANDUM

For file of MHB

May
27 Th

a.m. Ms. C., soc. wrk, SA phoned: SSI had called; she couldn't reach me; I said I was in my room all a.m. SSI wd. call back.

1 p.m. Mr. Grose (Gross) phoned; he had a check for me, would bring it to Anth. Res. at time I wd. say. He gave amt. @ \$375. mo for six mos. May 1975 to Nov. 1975, \$2250, for which I wd. sign receipt. Asked him to read to me; he did. Essentially an agreement on possible overpayment if such were later determined. Told him it was not acceptable; after few comments he said, "Oh, you don't want the money - good bye", and hung up.

28 Fr.

a.m. Mr. Blumstein left phone message. SSI. 12 M. he phoned; had check he wanted to deliver to me personally, by hand (same as preceding); asked me to set time. I asked what check represented, - same as above, but wd. not require receipt. Said it was not acceptable. He said he wanted to see me anyway. I said not necessary for him to take the time, or to use up my time. More courteous than G. B. also said they knew I needed money.

This is trick by SSI. Check for six mos. only half the year, now 13 mos. \$2250 not enough to cover rental arrears. If I took such a check they would accuse me of fraud and arrest me, on the basis that I had knowingly accepted that check while receiving Soc. Sec. cks. It wd. not be a private transaction, as their witnesses wd. be present as intended - the reason for delivering check to me by hand personally, instructions issued to them. Mr. B. stated that instructions had been changed from prev. day. I asked if he was an atty. "No." then what is his position. "Field representative".

Likely that Cal. A. wd., as soon as ck. handed to me, claim it toward rent and take it from me.

11/24/76 Letter dated 11/22/76 rec'd from Social Security Administration, 1515 Broadway, NYC, signed by M. Livrerio, as service ~~representative~~ representative, attached; my reply 11/26/76. 11/27/76

9/25/76. Daniels told me personally that the representative (not named) was "here" - Anthony Residence, with check. I said I did not see him. Daniels repeated "he was here". (which date?). Repre. on phone (5/27 or 28) told me he could be "there" with check in 15 minutes. He probably phoned me from Daniels' office.

1/15/77

(continued from page 22)

Appellant's memorandum, page 25 this brief: As she now reviews this incident, it would appear that someone from the SSI, according to the social worker Mrs. C(ohn) was actually in the building (the Anthony), had been talking with her and with the administrator, Howard Daniels; that (probably) at the time Mrs. C. phoned Appellant, he was probably present there (hence her evasiveness; Appellant sensed this as irregular, as she had been in her room ~~as stated~~); that a Mr. Gross phoned at 1 p.m., etc. The whole matter was decisively evasive in character, in view of the fact that: Appellant did not know either of the persons who telephoned regarding a check; she had received nothing in writing that would advise her of any such transaction pending; that it was strange that a social worker employed by the Salvation Army should telephone her about a matter that Appellant would consider to be strictly Appellant's personal affair without any interference from any third party - such as calling to say that an anonymous person would phone her -; further, Appellant ~~had~~ not then, nor has ever, invited any agent or employee of the Salvation Army to act for her or to represent her in any way with a third party.

9/25/76. Note that Daniels then mentioned for the first time to Appellant that representative "was here". It is remarkable, and open to question, that there should be such a lapse of time from the May 27/28 dates of a check offer (?), to 9/25/76 when Appellant was told personally of the visit, to a letter dated 11/22/76 - the first written reference to any such proposal of any payment. Therefore, as she stated in her reply of 11/26/76 to the letter of 11/22/76, she considered that the whole situation was, as it appeared to be, - spurious. There has been no denial.

Appellant has now become convinced, on the basis of numerous items of correspondence received from Myron J. Meadow as counsel for the Salvation Army, that the latter, has purposely tried to by-pass the efforts of the Appellant to follow legal procedure in the protection of her personal rights, by arranging conferences with Judge Stewart directly, without her knowledge.

Accordingly, Appellant submitted a motion dated May ? 1976, filed and docketed as #11 on 6/21/76, to have Judge Stewart disqualify himself. He did not, continuing to dismissal of the case.

Appellant had told the two men who had telephoned on May 27/28 saying they represented the SSI, that the check they mentioned was unacceptable. She has received no word since concerning the matter. that is, since the letter of 11/22/76, which would establish any believable facts,- a carrot for the donkey?

Motion to have Judge Stewart disqualify himself*(preceding page; Petition page 10), based on apparent collusion between Judge Stewart and defendants, the Salvation Army as evidenced by copies of letters addressed to Judge Stewart by Myron J. Meadow, as follows:

April 12, 1976, confirming telephone conversation of that date for a pre-motion conference on April 20, 1976, for motion to dismiss Appellant's complaint and amended complaint. Photocopy received by Appellant, 4/14/76.

April 26, 1976,- Conference held on April 20 with Judge Stewart with counsel for defendants appearing; plaintiff did not appear; a representative of HEW attended. Further conference suggested at which it is hoped plaintiff will attend. Photocopy received by Appellant 4/28/76.(office copy).

May 3, 1976, letter to Judge Stewart from Nathaniel L. Gerber, Assistant United States Attorney, enclosing Barry L. Powell's affidavit (p. 22 this brief; no entry on docket to show it as part of record,- see note below*). Received by Appellant 5/7/76. Forthcoming conference which hopefully plaintiff will attend; carbon copy, plain, not letterhead.

May 6, 1976, confirming telephone conversation with Judge Stewart for further conference May 26, 1976; hope and trust plaintiff will attend this time. ~~Carbon copy received by plaintiff~~ 5/7/76. (letterhead copy).

May 21, 1976. Motion to have Judge Stewart disqualify himself (with copies mailed to the several attorneys on that date), should have reached the court on Monday, May 24, 1976, just before the May 26 conference. Would there be any reason why it was not entered on the docket as #11 until 6/21/76? He did not acknowledge to the plaintiff, and continued with the case to dismissal in December., nor was there any acknowledgement from the Court as to handling of other papers submitted by the Plaintiff, nor of any other action that might have been taken without notifying the Plaintiff.- Such as the decision referred to in the letter of 11/22/76 as a "District court decision". (p.23, this brief.)

*NOTE. Barry L. Powell's affidavit: Appellant responded to affidavit in two parts,- Part I dated May 15, 1976; Not entered on docket. Part II dated June 15, 1976,- is entered on docket as #10, on 6/17/76.

Correction, page 26, motion to disqualify as dated May 10, 1976, should be May 21, 1976, as shown on page 27, this brief.

October 14, 1976. carbon copy of letter addressed to Judge Stewart from Myron J. Meadow, referring to conference on August 12, 1976, with defendants' attorneys for motions to dismiss the complaint, and another affidavit. Carbon copy on attorneys' letterhead, received by plaintiff 10/15/76.

Note. On September 25, 1976, Howard Daniels mentioned the 8/12/76 conference by saying to Appellant that one person did not attend, and that he had not been required to be present. He volunteered the information without previous mention of it. Appellant realized that he wanted her to say something about it; she reminded him again of the SSI situation which, again, he did not admit.

In a number of documents filed with the United States District Court, Appellant has mentioned the connection of The Salvation Army with the SSI matter. The first of these was her amended complaint dated 2/7/76, filed as #5 on the docket, 3/3/76.

Letter 4/30/76. By Appellant, addressed to J. Blum, Deputy pro se Clerk of U.S. District Court, concerning, first, conferences with Judge Stewart arranged by Salvation Army counsel, and, second, Appellant's brief setting forth the Salvation Army/The Anthony Residence/Howard Daniels and Candace Dziuba corporate relationship with the SSI matter; copies mailed to attorneys that date. Not shown on docket.

9/15/76. Plaintiff's request for Injunction, on docket as #17, filed 9/28/76; to enjoin Salvation Army.

11/9/76 Plaintiff's Answer to petitions of Salvation Army, mailed 9/12/76. On docket as #23, filed 11/15/76.

The record seems to be clear that the Salvation Army, by its agent, Howard Daniels, has been the moving element in opposing the Plaintiff, now the Appellant, in her pursuit of what she perceived to be a just claim for her own protection. Influence was brought to bear upon the Judge, who was expected^{to} be impartial. Influence was brought to bear upon the Social Security Administration, the Government agency with which she supposedly^{was} entitled to deal, for a proper understanding of the issues with which she was concerned. In short, The Salvation Army has interfered far beyond any rights it may have had in the situation. (Payment for room and board)

Aside from obviously influencing the Court, there is the incident described on pages 22 through 26 of this brief, the letter of 11/22/76. Later instances are submitted as evidence in the appendix to the case now on Appeal concurrent to this brief,,
pages 45 through 58, coded "D", much of which is petty nagging. The haste with which action was begun in Civil Court to obtain judgment against the Appellant, well in advance of the date of dismissal of the District Court case (the dates overlap in the several issues involved, in itself illegal), and the apparent attempts to block her requests for a transcript of the Civil Court proceeding on 12/29/76, as she requested of the Court on 2/10/77 (page 50 of the appendix, coded D-7), his note of that day regarding transcript (redundant, because Appellant had already looked into it); and the immediacy with which, following first hearing in Civil Court on 11/19/76, Howard Daniels telephoned on 11/22/76 which resulted in the letter of that date (pages 23,24, 25, this brief) and (petition to Appeal, pages 7,8, paragraphs 12,13); Appellant's motions in Civil Court for stay of judgment, etc. (Appendix p.50, D-7, 3/28/77.

The "proposal" submitted with Myron J. Meadow's letter of February 23, 1977 (appendix^{p.} 43 and 44, coded D-1 and D-2, p. 22 this brief), threatening in itself, was an indication to Appellant of what she had long suspected, that Howard Daniels wished to gain control of an SSI recipient's funds for the Salvation Army, on the pretext that she, because of age, was incompetent, irresponsible, and senile. She felt that this, as well as other disparaging remarks of Howard Daniels, were intended to frighten her into meeting his demands.

Under date of December 31, 1976, Appellant addressed a letter to the Clerk, Pro Se Office, United States District Court, Mr. Raymond F. Burkhardt, reporting that mail addressed to her at 119 East 29th Street by the Court, had been opened by employees there before it was delivered to her; this happened with two pieces, one postmarked November 26, 1976 and delivered to her on November 27, the other, December 23, 1976, delivered on December 27. Both had obviously been opened and resealed.

Plaintiff had previously reported this matter to Judge Stewart in a letter addressed to him under date of November 30, 1976, and in Plaintiff's Answer to Defendants' Memorandum to Dismiss, as of December 13, 1976 (the first opening), with copies mailed to attorneys. Copies of the letter to Mr. Burkhardt were not sent attorneys.

The letter of December 31, specifically requested that all mail intended for Appellant be sent to her permanent mail address, P.O.Box 99, New York 10024, as she had previously directed. This letter was entered on the docket as of 1/5/77 as Plaintiff's Notice of Change of Address. It was not a change of address; it was a request not to send her mail elsewhere.

Appellant had ^{the} first envelopes of mail that had been opened by someone else before delivery to her, notarized before her file as a permanent record, with her accompanying statement on the envelopes. Both envelopes contained notices of dismissal: both were from the Clerk of the District Court. In all she received copies of the dismissal notices, not only from the clerk, but from the United States Attorney, the Salvation Army Attorney, and also from Howard Daniels.

The opening of mail: See Petition for Appeal, page 9, paragraph 14. These two instances are further evidence of interference by the Salvation Army with personal affairs of the Appellant.

Entry on the docket, #27, dated 12/8/76, of plaintiff's response to notice of Hearings And Appeals Board, was included in discussion on pages 19 and 20 of this brief, Code "C".

It would appear from various remarks addressed to Appellant by Administrator Howard Daniels, that he had permitted the rent accrual in the belief that pressure from the SSI upon her would eventually produce payment. Otherwise, why would he have permitted the two-year period? Conversely, if Appellant had not felt she could rely upon promises of SSA and SSI, she would not have tried to do something about the situation. She feels that the Salvation Army is much at fault by its interference, as stated.

In his affidavit dated April 22, 1976, Barry L. Powell in his paragraph 9, says: "On January 12, 1975, she signed a statement which says, among other things: 'I realize that I will no longer be entitled to SSI payments until my bank balance falls below \$1,500. I further realize that when my SSI payments resume, they will be reduced to allow for the fact that I am now receiving Social Security benefits. I wish to have these changes applied immediately so that no overpayment will be held against me'". Appellant did not say this.

The above is inaccurate. Appellant did not sign a statement on January 12, 1975.

Appellant did not make that statement; it was not in her handwriting. She did not sign it, as given.

(Please refer to Plaintiff's response to Affidavit of Barry L. Powell, Part II, Part II, dated June 14, 1976).

The statement to which he refers may be found in a document dated 1/2/75, not signed by W. Linden, but in his hand-printing. At the time, Appellant objected to his wording, as well as to the fact that it was not actually her statement; she did not sign that statement, but wrote below it, in her own handwriting, signing it, as follows:

"It is my understanding that the difference between SSI of \$375. and SSA of \$244.70* will be the amount of the SSI payment monthly when the bank balance falls below \$1500. My letter of today gives the figure. --- p. 5, A-3
There is no reason for me to dispute this. I shall brief
report on this later." Murel H. Branch

*allowing for \$20. exemption.

As stated on page 7 of this brief, last paragraph, Appellant had received at her request, from the Bureau of Hearings and Appeals duplicate copies of documents she had examined in the Hearings office on July 20, 1976. Among them was the above paper, headed "Statement of Claimant or-", received by her on 9/28/76, copies of which are included in the appendix of this case, pages 23, 24, 25, and coded B-3-1, B-3-2, and B-3-3. "B" identifies duplicate copies of documents examined by her in the Hearings office file, on 7/20/76.

Copies of the same document, of three pages, are included again following this page, numbered here as pages 33, 34, 35, for the sake of clarifying Barry L. Powell's statement in his paragraph 9, above, which is not true as he stated it.

This document is discussed earlier in this brief along with other documents received as duplicates from the Hearings Bureau, under the code "B". The same three pages are found in the appendix as pages 23, 24, 25, coded B-3-1, B-3-2, and B-3-3. This report is further identified by the date in the right-hand margin, H&A 9/28/76, when this and several other documents as duplicates reached Appellant in the mail from the Bureau. Appellant has analyzed them in this brief, one by one, beginning on page 8. Pages 23, 24, 25, of the appendix, the report under discussion as handwritten (printed), and not too legible in photocopy before it was typed on the back by Appellant - typescript reproduced as page 24, B-3-2, in the appendix; the third page of the report, page 25 in the appendix, B-3-3, with typescript by Appellant. It was not signed by interviewer.

Appellant has stated several times in this brief that she cannot be responsible for any statements written by someone else, that purport to be spoken for her. She told Mrs. Jungman on December 27, 1974, (appendix pages 4 and 5, A-3 and A-4) that she would not sign any statements on forms that were not in her own handwriting,* for the reason that any such wording would not be hers. This is made clear in her comments typed on the several documents forwarded by the Hearings Bureau.* She also told Mr. Linden that on 1/2/75.

It is assumed that the statements made in Barry L. Powell's affidavit are based on the same documents sent by the SSI to the Hearings Bureau, most of which had not been seen by Appellant until she examined their file on July 20, 1976:- one year and a half after those papers had been written. Under the Freedom of Information Act of 1974, that information should have been made available to her much sooner. ~~was~~ it purposely concealed from her?



DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

Form Approved.
OMB No. 72-R0442

STATEMENT OF CLAIMANT OR OTHER PERSON

NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON

Morel Enrich

SOCIAL SECURITY NUMBER

121-12-5528

NAME OF PERSON MAKING STATEMENT (If other than above wage earner or self-employed person)

RELATIONSHIP TO WAGE EARNER OR SELF-EMPLOYED PERSON

Understanding that this statement is for the use of the Social Security Administration, I hereby certify that—

I live. I am a resident of the Anthony Residence, 119 E 29 St, New York NY 10016. But I wish to have my mail sent to P.O. Box 99, Planetarium Station, New York NY 10024 - Permanent mail address.

I realize that I will no longer be entitled to SSI payments until my bank balance falls below \$1,500.

I further realize that when my SSI payments resume, they will be reduced to allow for the fact that I am now receiving Social Security benefits. I wish to have these changes applied immediately so that no overpayment will be held against me.

It is my understanding that the difference between old SSI of \$44 and SSA of \$44 will be the amount of the first payment monthly when the bank balance falls below \$1,500. My letter of intent gives the reason. Please see reason for me to dispute.

Form SSA-795

B-3-1

Photocopy of handwritten photocopy does not reproduce well.

(all of above typed on back of this sheet.)

Photocopy of photo copy of document rec'd from file of hearings and Appeals Board

STATEMENT OF CLAIMANT OR OTHER PERSON

Murel Branch

121-12-5528

I am a resident of the Anthony Residence, 119 E. 29 St., New York, 10016. but I wish to have my mail sent to P.O. box 99, Planetarium Station, New York NY 10024 - Permanent Mail Address.

I realize that I no longer will be entitled to SSI payments until my bank balance falls below \$1,500. I further realize that when my SSI payments resume, they will be reduced to allow for the fact that I am now receiving Social Security benefits. I wish to have these changes applied immediately so that no over-payment will be held against me.

--Above was handwritten by interviewer on face of this sheet. It replaced sheet of same date, on which my note to that effect appears in upper right hand corner, in my personal file, Appendix 1-A-p.2

MHB

My signed statement following the above, handwritten:

It is my understanding that the difference between SSI of \$375. and SSA of \$244.70^x will be the amount of the SSI payment monthly when the bank balance falls below \$1500.00. My letter of today gives the figure. There is no reason for me to dispute this.. I shall report on this later.

allowing for \$20. exemption.

Murel H. Branch

Above is typescript of face of page 1 of Statement of Claimant ----- of 2-pages dated 1/2/75, unsigned by interviewer, but handwritten (printed) same as other documents and statements of same date in this section. My signature requested before statement filled in by interviewer. One of three or four such forms.

November 10, 1976

Murel H. Branch

I know that anyone who makes or causes to be made a false statement or representation of material fact in an application for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal and/or State law. I affirm that all information I have given in this document is true.

SIGNATURE OF PERSON MAKING STATEMENT

Signature (First name, middle initial, last name) (Write in ink)

Murel H. Branch

Date (Month, day, year)

1.2.75

Telephone Number

683-0566

Mailing Address (Number and street, Apt. No., P.O. Box, Rural Route)

P.O. Box 99

P.O. Box 99

City and State

New York

Enter Name of County (if any) in which you now live

10024

New York

Witnesses are required ONLY if this statement has been signed by mark (X) above. If signed by mark (X) two witnesses to the signing who know the declarant must appear, giving their full addresses.

1. Signature of Witness

Unsigned by interviewer

Address (Number and street, Apt. No., P.O. Box, Rural Route)

Unsigned by interviewer

Signature of Witness

Address (Number and street, City, State, and ZIP Code)

My signature requested before statement filled in by interviewer. One of three or four such forms.

(B-3-3)

/Photocopy of photo-
/copy of documents

-35 243

Appellant has not at any time said that Howard Daniels, as administrator for the Anthony Residence and the Salvation Army, does not have a legal right to expect proper payment of rent for use of occupied premises. She does take exception, however, to his claim of a regular landlord-tenant relationship as cited in his claim to the New York City Civil Court, Index L&T 116647-76 (See Appellant's Petition to Appeal, page 9) as set forth in her Motion to Dismiss Civil Court action, entered on the District Court docket as #31 on December 22, 1976, for the reason that this (is) was not a conventional landlord-tenant relationship. Attention is directed to the Statement for Determining Continuing Eligibility for Supplemental Security Income Payments, dated December 27, 1974, signed by B. Jungman, in the appendix, page 17, coded B-1-1, which states under section 2F (where you now live) "Congregate Care Facility, Anthony Residence, 119 E.29 Street, New York, N.Y.". All handwritten entries on that four-page document were made by Mrs. Jungman, as noted on Page 20 in typescript initialed by Appellant, B-1-4. A "congregate care facility" is not any ordinary landlord-tenant relationship. When ^{she}₁ inquired at the Anthony Residence in January 1974, Appellant was looking for a place to live; she was not applying for "care" as such, as she was not in need of medical or nursing care. (Notice of Appeal, page 11, paragraph 2, health). She was not applying for guardianship.

Appellant had no intention whatever of trying to avoid payment of rent, and she feels that the Civil Court action was unjustified under the circumstances. She has discussed this freely in her other documents. Many statements have been made in the matter by defendants which were not actually relevant to the facts of the case, and were not directed toward a reasonable understanding.

Pages 43 through 58 of the Appendix, coded "D" concern The Salvation Army, D-1 through D-13. Pages 43 and 44, D-1 and D-2, have already been mentioned in this brief (p. 29). Page 45, D-3, a letter from Howard Daniels dated December 30, 1976, in answer to ~~her~~ note of the same date on page 46, D-4, and ^{Appellant's}₁ response dated December 31, 1976, were the result of the Civil Court hearing on December 29, 1976, when something was said about part payment, not previously demanded.

P. 47, D-4, another exchange of notes. Page 48, D-5, Statement of Appellant for all parties concerned in both actions as being interrelated, to the United States Court of Appeals and to the Civil Court, two pages (48, 49, D-5, D-6,) with note appended on p. 49, dated 3/30, to Howard Daniels, answering his of 3/28/77, D-6, p. 50. (*dated March 25, 1977.)

Also on page 50, D-7, his note re transcript (volunteered, not requested), following hearing in Civil Court on 2/10/77, set at Appellant's request for stay of judgment, opposed by counsel's memorandum dated February 9, 1977. Motion for stay denied and appeal, denied by Appellate Term 4/27/77, p. 51, D-8. Remaining pages, 52 through 58, D-9 through D-13, concerned with eviction. (Civil Court case, page 20, 21, this brief; documents filed with the U. S. District Court during 1976, have covered in detail the relationships between the Salvation Army and the SSI in this matter). Much of the background has been presented to the Civil Court and to the Appellate Term by motions of the Appellant.

Efforts by the Appellant to obtain a transcript of the Civil Court hearing on December 29, 1976, (it was called a trial, but it was not, because no cause for action was presented to the Court by Petitioner-Landlord; he made no accusations or allegations before the judge in the presence of tenant-respondent) met with considerable resistance by court officials (as well as by Howard Daniels P. 50, D-7. Appellant did hear a playback of the tape on February 10, 1977, in Judge Thompson's office, after correspondence with the clerk. In her motion for appeal to the Appellate Term, she had requested that a transcript be supplied her at no charge, as she was appealing ~~pro se~~, as a poor person, without funds for attorney fees. Partly on account of pending eviction, she lacked time to press the matter; but she feels that she should have the right to an official record in a matter of concern to her, especially as the Court did not request her to make any sworn statements on the witness stand. She was not sworn in to testify in any way.

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AFFIDAVITS FILED BY DEFENDANTS/ATTORNEYS

There are a number of misrepresentations, misstatements, and distortions in the several affidavits filed by the defendants in the Courts.

The Salvation Army

Howard Daniels

September 10, 1976.

Notice to pay rent - cites Real Property Actions and Proceedings Law, Section 711, Subdivision 2:- which provides for "summary proceeding to possess".

Appellant finds that Section 711 Subdivision 5:- states that

"Remedy by summary proceedings applies only where there is a conventional relationship of landlord and tenant by agreement, and not by the mere operation of law", in addition to the statement that

"If a conventional relationship of landlord and tenant does not exist, the proceedings cannot be entertained under this act, and the statute is broad enough to enable a party to prove under this denial that such a relationship does not exist." (McKinney's Laws 49½)

Appellant claims this denial - by virtue of the fact that the relationship of The Salvation Army to the Supplemental Security Income Program operated by the United States Government adds a third dimension beyond the usual, or conventional, landlord-tenant relationship:

BECAUSE,- in general, the relationship is supervised, if not controlled, by the Department of Health, Education, and Welfare, and the Social Security Administration.

Howard Daniels has denied and/or ignored this relationship to Appellant.

It was not until February 23, 1977, when the "proposal" enclosed with the attorney's letter of that date, that he had ever made any reference, verbally or in writing, to any connection with the SSI. (P. 29 this brief; appendix p. 43, 44, coded D-1, D-2); ~~correction, -~~ In a letter dated December 30, 1976, appendix p. 45, D-3, he spoke of SSI for the first time: in other words, an admission that he did know of it although, contrary to his statement therein, he did not admit it to appellant.

The Salvation Army -2

November 1, 1976,

Petition filed Civil Court,
Index L&T #116647-76, with petitions
of Walter French dated October 21, 1976,
and October 26, 1976, and Howard Daniels
dated September 10, 1976.

Appellant's answer dated November 9, 1976, to Civil
Court; copy to USDCSD mailed November 12,
1976, entered on docket #23 as of 11/15/
76.

January 7, 1977.

Letter from Myron J. Meadow, attorney,
enclosing copy of judgment dated 12/29/76,
received 1/13/77.

On 1/11/77, received ^{copy} of above sent to
Howard Daniels with copy of judgment, in
plain envelope left at front desk of Resi-
dence.

January 21, 1977.

Letter from Myron J. Meadow discussing
judgment.

January 22, 1977. Appellant's reply: no evidence presented to Court,
by petitioner.

- - -

UNITED STATES DISTRICT COURT CASE DISMISSED

November 27, 1976. Appellant received dismissal order dated
11/22/76 (copy) from District Court.

November 29, 1976. Letter from Myron J. Meadow, **same**, received
by Appellant on 12/6/76. Docket #24, on 11/22/76.

November 30, 1976. Appellant wrote Judge Stewart protesting
dismissal. No entry on docket.

December 1, 1976. Letter from Judge Stewart, ^{to Appellant} treating above
as motion to reconsider, with copies to defen-
dants; docket - no entry. Received by Appel-
lant 12/6/76.

December 7, 1976. Myron J. Meadow - Memorandum in Opposition
to Plaintiff's Motion (to Dismiss) for Reconsid-
eration. Docket #26, entered 12/20/76.

Appellant has received no document from the Court as to
how any decisions were reached or the basis
thereof, - no reports of any arguments which
would lead to decision, - what arguments, if
any, were presented by defendants, - and why
any such arguments might be justified by the
Court, to call for dismissal in the first place.

Attorney Meadow at no time has offered any
discussion of the SSI connection with the
Salvation Army, although he refers to Plaintiff's
page 2, where she says a great deal about the
SSI, as not being related. The entire case is
based on SSI, including the matter of hearing;
also discussed on page 2 of her answer to
Opposition, etc. Attorney Meadow has submitted
no report as to conferences of April, May,
August, etc. =39=

March 14, 1977. Appellant wrote and filed with the Civil Court, RESPONDENT'S REBUTTAL TO PETITIONER'S STATEMENTS 12/29/76 before Judge Stanley Nason. The following appeared in that document.

Answers by Howard Daniels to questions asked by his counsel, while on the stand, were vague and uncertain. Some were inaccurate or evasive. Daniels. "Miss Branch was admitted to the Anthony Residence because she was disabled, according to the record."

Branch. Miss Branch did not claim at the time of her application for admission, nor at any time before or since, that she was disabled. There would be no reason for such a claim.

D. "Miss Branch was employed at the time of admission, and the rate was set accordingly." (Weekly \$58.)

B. Miss Branch was not employed at that time, and had not ^{had} regular employment for some time previously. The question of employment had not been raised, either then or at any other time.

D. He was vague in his answers as to time of residency, and of admission.

B. Respondent entered the Anthony Residence on February 9, 1974. She was not sent by anyone nor by any agency. She applied of her own free will, without consulting anyone, having heard that there might be a vacancy.

D. His answers were vague as to adjustment of rates. He did not refer to the record.

B. Because of her transfer from the Department of Social Services of the City of New York, to a congregate facility (The Anthony Residence) where meals were included, there was a period of adjustment which Miss Branch handled herself with the agency concerned, due to overlapping records of the transactions.

D. Reference to a disability check.

B. Miss Branch has never received any disability check or other payments. She has never claimed any disability benefits, nor had any reason to claim such benefits.

The rest of the four-page document gave the background of the SSI matter.

Rebuttal, continued.

NOTE. Howard Daniels did not become Administrator of the Anthony Residence until early in 1975, about a year after Appellant had begun residence there. He had no records in the courtroom, and his statements were not based on verifiable fact. He was not prepared for the questions.. and was therefore vague.

Appellant: It is for this reason that she requested a transcript, and also appealed the case; BECAUSE his statements should be subjected to written verification by evidence in the records, presented before a court prepared for fair trial.

The only interest Attorney Myron J. Meadow had on December 29, 1976, was to obtain a judgment for his client, and his questions were pointed to that end.

December 23, 1976. Appellant received from Judge Stewart's chambers, dismissing reconsideration dated 12/17/76, on 12/23/76, postmarked 12/20/76.

March 11, 1977. Appellant received from Attorney Meadow copies of her Motion to Appellate Term dated 2/4/77, and Judge Mason's denial of February 18, 1977. for stay.

February 10, 1977. Civil Court hearing for stay of judgment by Appellant; Attorney's Affirmation dated 2/9/77 presented by attorney to the Civil Court in opposition to her show cause application for stay. He included discussion of Appellant's District Court case on the basis of dismissal, with copies of dismissal order dated 11/22/76 and 12/17/76. Page 3 of his document mentions Judge Stewart's dismissal of reconsideration as December 22, 1976, - an error; it is dated 12/17/76.

February 18, 1977. Appellant-Respondent's Answer to Attorney's Affirmation. Review of SSI related to overlapping of two court cases, etc.

March 9, 1977. Appellant received from Attorney Meadow on 3/11/77, letter of March 9, 1977, enclosing Civil Court denial of stay dated 2/18/77 (copy) her motion 2/4/77.

April 21, 1977. Attorney Meadow's answering affirmation to Appellant-Respondent's motion for stay. His paragraph 2 mentions non-payment of rent for which judgment was obtained as of 12/26/76. He omits reference to the SSI situation while objecting to her interim stay and appeal as being "untimely", - 80 days after judgment rather than the 30 days required by CPLR 5513(a). Review of District Court status. His conclusion in paragraph 5 is outside his jurisdiction. Her answer follows.

- April 22, 1976. Appellant's Answer to Motion to Dismiss and Answering Affirmation - in Opposition (4/21/77) (landlord's). Notice of Appeal in the Appellate Term. 5 pages. Copy filed with U.S. Court of Appeals 4/27/77, with copy attached of landlord's purported proposal of 2/23/77, shown as D-1 and D-2, p.43 and 44 in appendix; discussed in this brief p.29.
- April 18, 1977. Appellant received from Attorney Meadow on 4/22/77, Notice of Motion to Dismiss Appeal, Appellate Term, returnable 4/29/77, with Attorney's Affirmation 4/18/77, for motion to dismiss appeal as not timely taken. His paragraph 2, last day for service of appeal 2/9/77, and that notice of appeal not served until 2/29/77. Appellant's answer (above) p. 2 and 3, paragraphs 3 and 4, explain delay in getting information on appeal procedure by Appellant.
- May 3, 1977. Appellant received on 4/29/77, copy of Appellate Term denial of her motion to appeal, filed* 4/27/77, delivered to her by clerk at front desk of Anthony Residence, apparently a copy mailed to Howard Daniels by his attorney. Appellant received on 5/3/77 copy of same in envelope from Attorney Meadow, postmarked 4/29/77, both dated 4/21/77. (*by county clerk). *also
- May 12, 1977 Appellant received letter from Attorney Meadow below/ dated 5/3/77, giving notice that warrant was proceeding.
- May 5, 1977. Appellant evicted from Anthony Residence. Appendix p.52-58, D-9 to D-13.
(*above - also same notice of denial (4/21/77 postmarked 4/27/77, received (by Appellant 4/29/77, p. 51 appendix, (coded D-8), mailed from Appellate Term, 760 Centre St. /

Beginning on page 38 of this brief, the above is a condensation of the many pages of documents accumulated in the Civil Court case, County of New York, L&T index 116647/76 and the succeeding Appellate Term of the Supreme Court of the State of New York, docket #48212/77. It is believed by Appellant that the Salvation Army in these actions is closely connected with the Supplemental Security Income Program as it affects the Appellant in this case. The indications are that its agent(s) over the period of two years permitted the accrual of rent arrears in the expectation that SSI would take action on it. The social worker, Candace Dziuba, an employee of the Salvation Army, clearly had such an interest in setting up the appointment on August 7, 1975, in the office of the SSI representative, R. Rohrs. (Appendix p.37,38, B-12, B-13; this brief, p, 13,14,15.)

AFFIDAVIT OF BARRY L. POWELL

Dated

April 22, 1976. Appellant received it 5/7/76 in envelope bearing return address of U.S. Department of Justice, United States Attorney, Southern District of New York, U.S. Court House, Foley Square, New York, N.Y. 10007; no postmark, with covering letter (carbon copy) no letterhead, apparently written by Robert B. Fiske, Jr., United States Attorney, by Nathaniel L. Gerber, Assistant United States Attorney. The letter was addressed to Honorable, Charles E. Stewart; referring to motion conference of April 20, 1976, and his suggestion of an affidavit,... etc.

This and the several other conferences set up with Judge Stewart by counsel for the defendant, The Salvation Army, (p. 27 and 28 this brief).

July 26, 1976. Appellant received on 7/29/76, a second copy of Barry L. Powell's affidavit, with covering Notice of Motion and annexed affidavit of Nathaniel L. Gerber, to move the Court on August 12, 1976, for dismissal of the complaint. July 27, 1976. Appellant's reply to Barry L. Powell's affidavit dated 4/22/76: 1. Her response was in two parts, - Part I was dated May 15, 1976. Part II was dated June 15, 1976. Affidavit not entered on docket, nor was her response, to Part I. Both these parts discuss her situation in detail. At this time further comments are necessary.

Paragraph 6, his affidavit, contains errors (see pages 2 and 3 of her response Part II). There was no confusion as to the proper amount; any problem at the time was caused by overlapping of several factors concerning the fiscal records of the SSI office, in the time lapse of the changeover. The interviewer who handled this very considerably arranged payment to her so that she would not be without cash during the adjustment period in which there was some overlapping in the record, in particular so that she could pay her rent, at that time on a weekly basis. In case of duplicate checks she made refunds, for which receipts were issued her. All these transactions took place between February 1974 and September 1974. In May 1975 Mr. Hughes brought this up at time of interview with him (appendix p. 29-32, code B-6-1 to B-6-4). Since the SSI office records had not been cleared, Appellant compiled her record in a letter addressed to Mr. Hughes, dated September 15, 1975, but not mailed until September 30, 1975, (and so marked), in complete detail, two pages typed, copy of which appears following as pages 44 and 45 of this brief. Her file contains copies of all receipts and all money orders applicable to this matter.

1972, 1973

Correspondence covers the years 1891-1900. It is
files at 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900.

I trust that this tabulation will enable you to close this matter completely.

Very truly yours,

Very truly yours,
Lorel E. Branch

Appellant continues to question statements previously raised, to which answers have not been offered. Part II of her response covers many of them, including his paragraph 7.

Administrative Review. Appellant can only repeat what she has previously said, that whenever she receives any notice of decision, planned action, or other determination, specifying a time limit, she has always responded within the time set, by written reply for hearing, and referred to them on calls to the office in person. The interviewers responded each time with the answer that they did not have time to read or answer mail, or were not ready for hearing. It is assumed that Barry L. Powell in his paragraph 8 means a hearing is an administrative review, a reconsidered determination, administrative remedy, judicial review, etc. The SSI file should reveal her various written requests for hearing, as stated above, and listed on page 7 of her Part II.

Appellant directs attention to paragraph 9 of his affidavit, and to page 7 of her response, in direct reply to his statements. While he mentions Notices of Planned Action, he does not explain, "on the other hand, in contradiction to this..." just what he means by it, - what is the contradiction, - does he have proof in writing? Where is it?

Appellant in particular challenges his paragraph 9, in quotes, which he dates as January 12, 1975. It is already discussed in this brief, at length (p. 31, 32, appendix, p. 23, 24, 25,) as photocopies of documents seen by appellant in the file of the Hearings and Appeals Bureau on July 20, 1976, and received by her as duplicates from the Bureau in the mail 9/28/76, as noted in the margin. Photocopies of those pages are also included in this brief as pages 33, 34, 35, to emphasize her statements on pages 31 and 32 of this brief, that the words quoted by Mr. Powell are not in her handwriting, and are not her statement. It is because of distortions and misrepresentations such as these, that Appellant has found it necessary to take the entire matter to the Federal Courts. The duplication of pages 33, 34, 35, in this brief, and the same duplication as pages 23, 24, 25, in the appendix, is intentional.

Barry L. Powell - 3

Appellant discusses the reconsideration of 8/7/75 on pages 13,14,15 this brief, appendix B-12, B-13, B-14, (his paragraph 10, her response part II, p.8). Appellant emphatically rejects and denies Mr. Powell's reference in his paragraph 11 that she made a statement on 1/12/75 - his paragraph 9, her brief page 46 preceding - there was no statement on 1/12/75!!

As stated above, his quotation in his paragraph 9 as given, is entirely false as a statement actually made and signed by Appellant. SHE DID NOT SIGN THAT STATEMENT, because it was NOT in her handwriting! Further, how could that statement in someone else's handwriting, not even SIGNED by the interviewer who wrote it, be so misconstrued as to be a waiver of any sort? (Part II, p.8 and 9).

July 26, 1976
July 27, 1976

HEARINGS - Powell paragraph 10, page 8, Plaintiff's response Part II; Nathaniel L. Gerber's Motion to Dismiss on grounds that plaintiff had failed to exhaust administrative remedies; and affidavit of Nathaniel L. Gerber that (to update affidavit of Barry L. Powell), Plaintiff had not attended hearing scheduled for July 6, 1976, (apparently Barbara Spivak had not informed him that Plaintiff had notified the Bureau that she would not attend, giving as her reason that the matter was then pending in the U.S. District Court). Please see p.31,32, also 19,20, this brief; appendix coded C-1,C-2,C-3, p.40,41,42.

Appellant reiterates:- That she has not waived, nor revoked, at any time, any of her rights in this matter, nor has she intended so to do. Such a presumption on the part of any official, employee, or pretended representative of any agency, is entirely unwarranted and without any foundation in fact. Any statement NOT IN MY HANDWRITING and NOT SIGNED BY ME, the Appellant, is spurious.

It is apparent that Barry L. Powell and the Administrative Law Judge assigned to the hearing, both have been prepared to judge the matter, ONLY on the basis of flimsy, unproven, hearsay without substantiated evidence of any kind.

THE SALVATION ARMY
(continuing pages 38-42
this brief)
July 20, 1976

USDC Index 76 Civ.698-
Motion to Dismiss Complaint and for
Summary Judgment, filed by attorneys
for the Salvation Army for conference
with Judge Charles E. Stewart on 8/12/76,
with annexed exhibits:

Affidavit of Myron J. Meadow as
Counsel. His paragraph 2 erroneously
states that the U.S. District Court action
is based - predicated - upon suspension of
Social Security benefits. This is not
true. He has received copies of all
documents filed by the plaintiff, so it
not necessary to repeat them here.

His paragraph 3, first sentence, is
an evasion, with discussion below as to
affidavits mentioned.

4. The pre-motion conference was
requested and set up without consulting
with the plaintiff. Mr. Meadow's carbon
copies of letters sent to her, were not
considered by her to be a court order,
as previously mentioned.

5. Any supposition about amounts is
discussed elsewhere in the record.

6. Mr. Meadow is speaking outside his
function in this matter of administra-
tive procedures which are not his to
determine. As Plaintiff and as Appellant,
she deals directly with the parties con-
cerned; intervention by others is "meddling".
Her answer was submitted to the Court as
of 7/26/and 27/76. #14 on the docket, filed
7/28/76.

July 26, 27, 1976.

April 9, 1976.

Affidavits of Daniels and Dziuba.
Daniels' arguments as to suspension of
SSI payments as cause of non-payment of
rent are specious, as mentioned elsewhere.
The mention in both affidavits of "frus-
tration" had, and have, no place in the
original complaint or any succeeding
documents filed by Plaintiff.

At no time nor in any paper which has come to the attention of
the Appellant, has there been any reference by Daniels, Dziuba,
French, or Meadow, as to their obvious interest in Appellant's SSI
status. Candace Dziuba has not defined her function as a social
worker employed by the Salvation Army. Appellant has not assigned
any of the above-named persons to act in her behalf, or to take any
control of her personal affairs, neither at the time of these
affidavits nor at any time since. See her answer of 7/26/76.

SUMMATION

All papers in the record examined by the Appellant in the office of the Bureau of Hearings and Appeals, 250 Broadway, New York, on July 20, 1976, - documents, so-called - were not professional reports. None were typewritten; they appeared to be office memoranda written by office clerks. There was no indication on any of them that the contents therein had been supervised, certified, verified, or authorized by any Government official as true accounts. Nor did any of them have any recognizable identification with the United States Government or its agencies. Many of the communications received by the Appellant had no signature, hence might be regarded as anonymous by reason of not being authenticated. They might have been mailed by any clerk who felt like sending it out.

In his affidavit dated April 22, 1976, Barry L. Powell represents himself in his deposition as "Officer in Charge of Operating Policy and Standards Staff, Bureau of Supplemental Security Income, Social Security Administration, Department of Health, Education, and Welfare." Not shown on docket,

Nathaniel L. Gerber, in his Notice of Motion dated July 26, 1976, and his affidavit dated July 27, 1976, represents himself as an Assistant United States Attorney in the office of Robert B. Fiske, Jr., United States Attorney for the Southern District of New York. Docket #13, filed 7/28/76.

The undated memorandum - July --- 1976, unsigned, but bearing the names of Robert B. Fiske, Jr. and Nathaniel L. Gerber to dismiss the complaint on basis of failure to exhaust administrative remedies. Docket #12, filed 7/28/76.

The above-named persons, all of whom presumably are fully qualified attorneys licensed to practice law in the higher courts of the land, apparently have undertaken to render legal opinions in this matter. Yet none of them - not one - has indicated in his papers as received by the Appellant, that he has verified any of the records which were submitted to the Hearings and Appeals Bureau (upon which his opinions and statements ^{apparently} are based; presumably each has received copies of the same reports, all poorly written and poorly reproduced as may be seen in the appendix to this brief, pages 16-39, coded "B". Each then, has calmly, unequivocally, accepted and endorsed unauthenticated office notes of an unprofessional character on which to make charges against Appellant.

MUREL H. BRANCH, being duly sworn, deposes and says:

1. I am the Appellant in this action.
2. All statements in this document of fifty pages have been prepared and written by me, and that
3. The contents thereof are true in every respect to the best of her knowledge and belief.

Murel H. Branch
Murel H. Branch
Appellant

Sworn to before me this

30th day of June, 1977.
30th

L. S. Stone
Notary Public

LEO SCOMA
Notary Public, State of New York
No. 02-4518791
Qualified in Bronx County
Commission Expires March 30, 1979

77-6051

DIS. OFFICE	YR.	NUMBER	MO.	DAY	YEAR	N.S.	OTHER	NUMBER	SEM.	YR.	NO.
208-1	76	0698	02	11	76	2	860	1			
									0858		76 069

PLAINTIFFS

MUREL H. BRANCH

DEFENDANTS

MUREL H. BRANCH

Plaintiff

- v. -

SOCIAL SECURITY ADMINISTRATION/
Supplemental Security Income/
1657 Broadway, New York City, and
M. Stamler, B. Junzman, W. Linden,
R. Rohrs, et al.,

and

THE SALVATION ARMY, The Anthony Resider
119 East 29 Street, New York City, and
Lorraine D. Kuhl/ replaced by
Daniels, and Candace Dzinda,

42 USC 1983 civil rights complaint, recover benefits
from social security

Murel H. Branch, Pro Se
119 E. 29 St,
NYC

ATTORNEYS Weil, Gotshal & Manges
767 5th Ave.
New York, NY 10022 758-7800

Permanent Mailing Address
P.O. Box 99
New York, N.Y., 10024

☒ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

DATE	FILING FEE PAID RECEIPT NUMBER	G.D. NUMBER	STATISTICAL CA DATE
FEB 11 1978	JPP		11-7

DATE	NR.	PROCEEDINGS
2-11-76	1	Filed order permitting pltf. to proceed in forma pauperis without prepayment of costs or fees. Edlestein, J.
2-11-76	2	Filed complaint and issued summons.
02-24-76	3	Filed summons with marshals return served--The Salvation Army/ The Anthony Residence by Frederick H. Daniels on 2-18-76 The Salvation Army/ The Anthony Residence unable to serve The Salvation Army/ The Anthony Residence-Candace Dziuba by Candace Dziuba on 2-18-76
03-05-76	4	Filed summons with marshals return served-- Social Security Administration by Barry I. Reibu on 2-17-76 " " " - W. Linden by Barry J. Reiber on 2-17-76 " " " B. Jungman by Barry J. Reiber on 2-17-76 " " " M. Stamler by " " on 2-17-76 " " " Supplementary Security Income on 2-17-76 The Atty General Dept. of Justice Washington D.C. 20530 # 258349 on 2-26-76
03-03-76	5	Filed pltf. Amended complaint
03-23-76	6	Filed amended summons with marshals return served--The Salvation Army/The Anthony Residence-Howard Daniels on 3-15-76
04-09-76	7	Filed notice of appearance by Atty's Weil, Gotshal & Manges for defts
04-07-76	8	Filed pltf's motion to proceed for the purpose of clarifying one basic issue ret. on submission.
04-29-76	9	Filed Amended summons with marshals return served-- Social Sec. Administration by M. Barry J. Reuber on 3-23-76 Social Sec. Adm. B. Jungman on 3-23-76 unable to serve Soc. Sec. Adm. W. Linden unable to serve Soc. Sec. Adm. R. Rohrs. by Barry Reuber on 3-23-76 The Atty Gen of Dept. of Justice of Wash. D.C. #285797 Soc. Sec. Adm. Supplemental Sec. Income by Leon Parker on 4-6-76 The Salvation Army/The Anthony Residence-Howard Daniels on 3-26-76 The Salvation Army/ The Anthony Residence-Candace Dziuba on 3-26-76 The Salvation Army/The Anthony Residence by H. Daniels on 3-26-76
06-17-76	10	Filed plaintiff's response Part II to affdvt. of Barry L. Powell
6-21-76	11	Filed pltf's, affdt. and notice of motion to have Judge Stewart disqualify himself, etc.
07-28-76	12	Filed defts affdts and notice of motion for an order pursuant to rule 12 (b) dismiss the complaint ret. 8-12-76
07-23-76	13	Filed defts memorandum in support of above motion to dismiss the complaint
07-28-76	14	Filed pltf affdvt and notice motion for the court to deny the motion of defts ret. 7-20-76 on submission
08-01-76	15	Filed deft. Salvation Army affdvt. and notice of motion for an order dismissing complaint ret. 8-12-76
08-11-76	16	Filed pltf. claim, and notice of motion to deny defts motion to dismiss the complaint, on submission
09-28-76	17	Filed pltf's request for injunction
09-28-76	18	Filed pltf's personal statement
0-05-76	19	Filed pltf's motion to subpoena records of all defts pertaining to this case ret. submission.
10-15-76	20	Filed supplemental affdvt. of Major E ward in response to assertions by pltf. that the salvation Army a provider under the Social Security Act"
11-03-76	22	Filed pltf's brief requests for SSI hearing
11-15-76	23	Filed ANSWER of Respondent (petition notice of non-payment)
11-23-76	24	Filed MEMORANDUM The motion to dismiss on behalf of defts Social Security Administration et al is granted--Stewart, J. m/n to pro-se

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS
11-29-76	-25- Filed pltf's statement and motion of motion to dismiss
12-20-76	-26- Filed defts The Salvation Army et al memorandum in opposition to pltf's motion for reconsideration
12-08-76	-27- Filed affdvt. of mailing an amended notice of hearing and pltf's response by reply postal card served upon the Clk of the U.S. Dist Court and atty's for deft. by pltf on 12-6-76
12-23-76	-28- Filed Letter to Judge Stewart dated 12-17-76 by Murel H. Branch in re to written verification
12-21-76	-29- Filed MEMORANDUM We grant pltf's motion for reconsideration of 11-22-76 decision. After reconsideration we reaffirm our decision dismissing the pltf's complaint--Stewart, J. m/n
12 15 76	30 Filed ANSWER of pltf's to defts memorandum in opposition to pltf's motion for reconsideration undated accompanying counsel's letter of Dec 7, 1976
12 22 76	31) Filed plaintiffs affdvt of mailing and notice of motion to dismiss civil case # L&T No 116647-76.
01-05-77	Filed Plaintiff's notice of change of address.
02-25-77	32) Filed pltf's notice of appeal to the USCA for the Second Circuit from the order of 12-22-76 mailed copy to Weil, Gotshal & Manges
03-11-77	34- Filed notice of original record on appeal has been certified and transmitted to the USCA for the Second Circuit on 3-11-77

Documents appearing in the Appendix

Section	Code		Number of Pages in Each	Appendix Page #
A		Papers in Personal File Identified in right-hand margin as SSI-MHB	20	1 - 16b
A-1		Letter from Max Stamler 12/18/74	1	1
A-2-1		Form - Statement of	2	2,3
A-2-2		Claimant written by inter- viewer, portion crossed out by Appellant, her own state- ment in her own handwriting below, signed by her. Not signed by interviewer; dated 12/27/74. Rewritten by Linden 1/2/75. See B-2-1, 2		
A-3		Letter by Appellant to B. Jungman, 1/2/75	1	4
A-4		Letter from B. Jungman, undated; received 1/16/75	1	5
A-5-1,2,3		Letter by Appellant to HEW SSA 1657 Broadway 1/6/75	3	6a,6b,6c
A-6-1,2		Reply to B. Jungman's letter by Appellant 1/20/75	2	7,8
A-7		Letter by Appellant to W. Linden 1/27/75	1	9
A-8		Letter from W. Linden 1/29/75	1	10
A-9		Appellant's reply to " (2/2/75, his response post- marked 2/4/75, her response "overseas" 2/10/75	1	11a
A-10		Same as A-9 with his envelope imposed	1	11b
A-11		Letter by Appellant to M. Stamler 2/10/75, attaching copy of A-9	1	12
A-12		Letter by Appellant 2/19/75	1	13
A-13		Letter from W. Linden 2/19/75	1	14
A-14		Letter by Appellant 2/28/75 enclosing photocopy of Social	1	15
A-15,16		Insurance Award 9/4/74 and information	2	16a,16b
		15 documents	20	20 pages

Documents Appearing in the Appendix -2

<u>Section</u>	<u>Code</u>		<u>Number of Pages in Each</u>	<u>Appendix Page</u>
B		Documents received from Hearings Bureau - all photocopies	12	17 - 39
	<u>Received</u> <u>9/28/76 10/29/76</u>	- - -		
x	B-1-1 B-1-2 B-1-3 B-1-4	Statement for determining continuing eligibility 12/27/74. B.Jungman	4	17-20
	B-2	x Report of Contact 12/27. Signed by B. Jungman. With envelope shown from Hearings Bureau	1	21
	B-2	Same, - as is. Three dif- ferent handwritings, - 1st BJ, 2nd ?, - 3rd Linden	1	22
x	B-3-1,2, 3	Statement of Claimant - Handprinted by Linden. Statement by Appellant in her handwriting signed by her in place of Linden's. Appellant's typed comment dated 11/10/76 after receiving this photocopy. B-3-3, unsigned page dated 1/2/75 (by interviewer)	3	23,24,25
x	B-4-1,2	No-Fault Questionnaire 1/2/75, signed by Linden	2	26,27
	B-5	x Report of Contact, Linden 2/27/75. See A-15, A-16, p. 16a, 16b appendix	1	28
	B-6-1,2, 3,4	x Report of Contact, T. Hughes 5/9/75	4	29-32
	B-7	x Report of Contact, T. Hughes 5/13/75 Request to typist	1	33
	B-8	x Typed, as above	1	34
	B-9	omitted		
x	B-10	Notice of Decision. Demand for payment of \$3929.20 4/14/75. Unsigned	1	35
x	B-11	Information on back of above	1	36
x	B-12,13	Record of Reconsideration 9/3/76. Robert Rohrs	2	37,38
x	B-14	Notice of Reconsideration, 9-5/75, marked "copy"	1	39
<u>7</u>	<u>5</u>	12 documents	<u>22</u>	<u>22</u>
		All documents are commented upon in appellant's brief		

Documents appearing in the Appendix -3

<u>Section</u>	<u>Code</u>		<u>Number of Pages in Each</u>	<u>Appendix Page #</u>
C		Notices from Bureau of Hearings and Appeals - Regional office	3 -	40 - 42
		- - -		
	C-1	Order signed by Edward J. McNeil, Administrative Law Judge, 2/9/77, dismissing request for hearing on basis of no cause shown.	1	40
	C-2	Copy of Appellant's reply to notice of hearing for 2/8/77, saying matter was pending in U.S. Court of Appeals, and that she had not waived any of her rights.	1	41
	C-3	Notice of Dismissal dated 2/9/77, showing envelope in which it was received (all 3 documents) 2/12/77.	1 -	42 -
		- - - - -	3	3
D		Photocopies of documents relating to Salvation Army Civil Court action Index #L&T 116647/76	13	43 - 58
		- - -		
	D-1	"Proposal" for payment sub- mitted by Attorney Myron J. Meadow with his letter 2/23/77	1	43
	D-2	Letter 12/30/76, from Howard	1	44
	D-3	Daniels to Appellant, replying to hers same date re part pay- ment, and her reply 12/31/76 to his 12/30/76	1	45
	D-4	Letter from Howard Daniels to Appellant 3/2/77 concerning her billing inquiry, and her reply same date to his remarks.	1	46
	D-5	Statement of Appellant to all parties concerned re her Federal Court actions, 3/25/77, and her reply 3/30/77 to his of 3/28/77 on statement(following page). Also his note 2/10/77 re court transcript.	2 1	48,49 50

(continued)

Documents Appearing in the Appendix -4

The Salvation Army, continued.

D	D-8	Photocopy of Appellate Term *Dismissal of Docket #48212/77 Civil Court Index #1&T 116647/ 76, showing envelope dated 4/27/77, received by Appellant 4/29/77. *Dismissed 4/21/77.	1	51	
	D-9	Statement of 5/5/77 re charges, and note of Appellant to Howard Daniels re removal.	1	52	No 53,54
	D-10	Continuation of preceding	1	55	
	11	Continuation -	1	56	
	D-12	Reply from Howard Daniels received 5/12/77	1	57	
	D-13	Appellant's note 5/9/77 re her mailing address, and her reply to above re 8 witnesses	1	58	
		14 Documents all photocopies	15	15	

All documents in the Appendix are
photocopies of some originals and/
or some photocopies.

Section "B" is entirely photocopies
of previously photocopied - by SSI -
documents in the file of The Bureau
of Hearings and Appeals as examined
by Appellant on July 20, 1976, and
supplied to her by the Bureau at her
request.

All documents are discussed in her brief.

The Appendix consists of 58 pages.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL SECURITY ADMINISTRATION

1657 Broadway

New York, NY 10019 Fifth Floor

DEC 11 1974

REF TO:

MUREL BRANCH
119 E 29 ST
NEW YORK NY 10001

100

Telephone: 586-2812
Extension: 747

Hours: 8:30am-4:30pm

4C

We would like to talk with you about your continuing eligibility for Supplemental Security benefits. Please call at this office by JAN 2 1975. This is a very important matter, required by law.

In 12/27/74

1/2/75

1/3/75

Linder

Please come to our office as soon as you can and bring this letter with you. Our office hours and telephone number are shown above. Please go directly to the Fifth Floor.

If you can't come before JAN 2 1975, let us know as soon as possible and we'll make other arrangements with you.

Sincerely yours

Max Stamler

Max Stamler
District Manager

(A-1)



DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

Form Approved
OMB No. 72-R0442

STATEMENT OF CLAIMANT OR OTHER PERSON

NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON

NAME OF PERSON MAKING STATEMENT (If other than above wage earner or self-employed person)

SOCIAL SECURITY NUMBER

RELATIONSHIP TO WAGE EARNER OR SELF-EMPLOYED PERSON

Understanding that this statement is for the use of the Social Security Administration, I hereby certify that—

I realize that I will be suspended from the SSI roles until my bank account drops below \$1500. ~~because by law an SSI recipient cannot have more than \$1500 in the bank I waive my rights to continued payments until I have less than \$1500 left in the bank because I don't wish to be overpaid and further in debt to government I realize once my SSI begins again after my bank account drops below 1500 my SSI will only be \$151.30 because I'm getting SSA.~~

I understand that regulations require ~~that~~ ~~the~~ Soc Sec recipients to have ~~at least~~ ~~less than~~ \$1500 in a bank in order to receive SSI payments, therefore I will be \$151.30 ~~(beginning Feb 1, 1975)~~ ~~crossed out in~~ When bank balance is reduced, SSI will be ~~increased~~ ~~by~~ ~~over~~ ~~unknown~~ ~~party on~~ ~~original~~

Form SSA-795 (1-74)

This is my personal ^(OVER) statement

Signed — Murel H Branch

-2-

P.1 of 2 (A 2-1) original

12/27 This was crossed out by Murel H Branch

See B-2-2 & B-2-2 B-2-2

SSA - 9-1-74

(Understand ~~that~~ the laws governing this ruling
and agree to follow them
Signed - Murel H. Branch

See B-2-1
B-2-2
B-2-3
B-2-4
B-2-5

I know that anyone who makes or causes to be made a false statement or representation of material fact in an application for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal and/or State law. I affirm that all information I have given in this document is true.

SIGNATURE OF PERSON MAKING STATEMENT

Signature (First name, middle initial, last name) (Write in ink)

with charges noted.
Murel H. Branch

Date (Month, day, year)

12/27/74

Telephone Number

683-0566

Mailing Address (Number and street, Apt. No., P.O. Box, Rural Route)

119 E 29 St

City and State

NY, NY

ZIP Code

10001

Enter Name of County (if any) in which you now live

NY

Witnesses are required ONLY if this statement has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the individual must sign below, giving their full addresses.

1. Signature of Witness

2. Signature of Witness

Address (Number and street, City, State, and ZIP Code)

Address (Number and street, City, State, and ZIP Code)

Social Security 131-1 - 5000

January 2, 1975

Social Security Administration
1057 Broadway Fifth Floor
New York, N.Y. 10019

Attention: Mrs. Youngman

On December 27, 1974, when calling at your office, it seems that I was falsely accused of fraud against the United States Government. There was no explanation, yet I was asked to sign a statement of such a nature.

The interviewer was interrupted several times, then was called away but told a substitute to complete the form. It was near closing time and there was considerable confusion.

I protest being put in a false light by being required to sign what seems to me to be an uncalled for accusation.

I therefore respectfully request that this matter be investigated so that my name will be cleared of any intent or desire to defraud.

I have received S.S.I. checks monthly for the past year, in the amount of \$375. beginning in February 1974, out of which I have paid \$335. each month for accommodations at The Anthony Residence, leaving a balance of \$40. cash.

In September 1974 I received retroactive payment in a lump sum from Social Security, for accumulated benefits. Beginning October 1, 1974 I received Social Security checks monthly in the amount of \$244.70, which indicated that each payment was for the preceding month, not the current one. There were no directions of any kind concerning my use of the money.

I have continued to pay the \$335. monthly out of the S.S.I. check for living accommodations, as before. Needless to say, the Social Security amount of \$244.70 would not be sufficient to meet the cost of present accommodation.

The interviewer said something about the difference between the \$375. and the \$244.70 per month, but it was not clear what she was getting at.

My permanent mailing address is: P.O. Box 9, New York, New York, 10014, to which all mail should be directed. The Social Security Disbursement Section has followed this instruction. I have repeatedly requested the S.S.I. section also to use my permanent mailing address, but each month the check is delivered to 112 . . . t.

I respectfully request your assistance in straightening these records, this afternoon. I call.
Very truly yours, Aurel E. Branch

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
1417 Broadway
New York, N.Y. 10019

REFER TO
Murel Branch
121-12-5528

Rec'd 4/16/75

Ms. Murel Branch
P.O. Box 99
New York, N.Y. 10024

Dear Ms. Murel:

When I interviewed you, you indicated that you had about \$2400 in the bank. Your bank book from the NY Bank for Savings only indicates \$948. Do you have other bank accounts? If you do, please bring in those bank books.

If you have more than \$1500 in the bank, your SSI payments would stop completely until your bank balance dropped below \$1500. If you have less than \$1500 in the bank your SSI payments will be reduced to \$150.30 per month because \$224.70 out of the \$244.70 in Social Security that you receive, will be subtracted from your \$375 in SSI. There is a \$20.00 exclusion for unearned income, so only \$224.70 is chargeable against your SSI. ?

You have been overpaid for the month of Sept. in that your unearned income was more than \$395 because of the \$9727 retroactive Social Security check that you received that month. You owe the government \$375 for the month of Sept. and \$224.70 for the months of Oct, Nov and Dec. and Jan. because of overpayment. Therefore you owe the government a total of \$1273.80. You will probably be contacted at a later date about repaying this. The government will only enforce repayment if you have the ability to repay, based on the amount of money you have in the bank.

You are entitled to the \$244.70 regular social security based on your work record, and these payments will continue indefinitely.

I am sorry if Mr. Linden upset you. He did not really mean to imply that you had committed fraud or were guilty of any wrong doing. The forms he filled out were required routine forms. If you have any other questions, feel free to call me.

Sincerely yours,

Ms. Jungman

Ms. E. Jungman
Claims Representative

EX 24470 = 1,223.50
EX 20-1 = 100.00
1,123.50

LUREI E. BRANCH

(Permanent Address)
(P.O. Box 93)
(New York, N.Y. 10024)

January 6, 1975

Commissioner of Social Security
Health, Education, and Welfare
Social Security Administration
117 Broadway
New York, New York 10019

Social Security #121-12-9518

RE: Social Security Benefits
Supplementary Security Income

Gentlemen:

From September 1972 through December 31, 1973, I received public assistance from the New York City Department of Social Services of the Human Resources Administration.

About December 1, 1973, I received a mimeographed form letter on the letterhead of the City of New York Human Resources Administration, 250 Church Street, New York, New York 10013, bearing the name of Jule M. Sugarman, Administrator; the letter was not signed. It was to the effect that, Beginning January 1, 1974, assistance checks to those in my category would be sent directly from the Federal Government, not New York City, and that this new "Supplementary Security Income" program (SSI) will be completely administered by the Social Security Administration, in addition to the assistance grant from SSI.

Beginning January 1, 1974, I received monthly SSI checks stabilized in May at \$375 monthly, retroactive to February 1974.

In September 1974 I received a "Certificate of Social Insurance Award" stipulating the amount of the first check as \$927.00, which was received by me on September 10, 1974 with the letter. For the months of September, October, November, December, 1974, I have received four checks from the Social Security Administration in the amount of \$244.70 each.

The Certificate of Social Insurance Award was dated September 4, 1974, unsigned, but with words "Commissioner of Social Security" printed at the bottom of the sheet (form SSA-30 (6-73)). There was no mention of any restriction or condition as to the use I might make of this money, in whole or in part.

It would appear, according to the wording in the first paragraph of the Human Resources Administration letter reaching me in December 1973, that the SSI checks would supplement Social Security as an additional amount, although in 1974 for the whole year, up to September, my only income came from SSI. The SSA checks of \$244.70 would not be sufficient to meet the expense of the present congregate facility where I reside.

*Second paragraph above.

Continued

**Case 2040345

-6a-

P. 1 of 3

(A-5-1)

January 6, 1975

About December 10, 1974, I received a request to call the Fifth Floor of 1657 Broadway by January 2, 1975, concerning Supplementary Security. I did so on December 17, Friday, and was interviewed by a young lady, who was interrupted several times, with resulting confusion in the statement she asked me to sign. This statement was revised on Thursday, January 2, by Mr. Linden, when I called.

In answering questions on each day I gave information on the SSA and the OSI checks. I answered each question according to the form in which it was asked, i.e., "Do you have other income?" "Yes". "Do you get Social Security?" "Yes". "all right, bring your bank book in." "How much do you have in the bank?" He want to see the bank book." I brought the bank book in on January 3, 1975.

On Thursday, January 2, 1975, I addressed a letter to Mrs. Youngman concerning the interview on December 17, 1974. This letter was left with Mr. Linden.

On Thursday, January 2, 1975, when Mr. Linden interviewed me, I attempted to ask some questions concerning the relationship between the SSA and the OSI checks, how they would affect each other. Mr. Linden became very angry and threatening, saying that I would be penalized for fraud. I consider this a false accusation since he had no such proof.

As a citizen of the United States I believe I am within my rights to ask questions on these matters, and to receive civil answers. Mr. Linden's questions to me were tricky, trying to mix me up and to prevent me from saying what I felt I should say. His attitude was intimidating, and his verbal abuse was entirely unwarranted by the circumstances. My objection to signing some of the statements which he wrote down for me to sign on the forms, annoyed him greatly. He seemed to think that his orders were to be followed without question. I told him I would not sign anything without reading it, and altering if it seemed necessary.

QUESTIONS

- I. Am I entitled to the full and unrestricted use of the entire Social Insurance Award of \$9727.00 received by U.S. Government check dated September 3, 1974?
 - a. Do I have the right to decide for myself whether I shall spend or reserve for future use, any or all of this amount?
 - b. Am I expected to report my use of the money to the Social Security Administration? In regular reports?
 - c. Do I understand that the amount of \$244.70 is to be paid to me monthly, to arrive on the third of the month for the preceding month, for an indefinite period?
 - d. Is my Social Security a public or a private matter, to be handled by me alone?

Continued

- 68 - P. 2 of 3 A-5-2

SOCIAL SECURITY and
Supplementary SECURITY

-3-

January 6, 1975

II. Last paragraph, page 1, III. Mr. Linden mentioned a difference between the \$375.00 and \$247.70, with an exception (from what) of \$20, ~~how does~~ this connect with \$100 bank balance, both unexplained?

a. Do the two payments, SSA and SSI, continue together indefinitely?

b. Is there any retroactive factor involved? If so, how?

III. From the SSI check monthly of \$375, I pay \$335 for accommodations at The Anthony Residence, including room, board, and other facilities, leaving a balance of \$40 for sundry expense. Fortunately, I take good care of my clothes, and do all the repair work on them until they are worn out.

IV. Why don't I get a job and work? Age discrimination. Why don't I take part-time work? Why don't I work at an hourly rate at clerical tasks? Because I have done plenty of it and been much underpaid even in higher grade jobs. I have worked most of my adult life, from age 18, to be self-supporting and earn my way, and by so doing have paid quite a considerable amount into Social Security funds over the years. I have never tried to get out of work. It would be a fallacy to suggest that I wanted to live on Social Security alone! I have received a number of slurs concerning my age, not alone in employment. A classless society? Ch!!! And there is a New York State law against age discrimination.

SUMMARY. I have taken it for granted that the Social Security Administration would maintain its records under my Social Security Number 121-12-5528, thereby reconciling whatever requirements might be indicated between SSA and SSI. Certainly I should not be subject to accusations of fraud on the basis of overlapping (if that is the case) of the two, when I have received no information of any conflict. Receiving the retroactive award seemed to indicate that perhaps I had earned it for my continued employment.

It would be very helpful to me if definite answers might be given to the various questions I have raised in this letter, in order to avoid future misunderstanding. I may add that I never wanted to apply for welfare or SSI in the first place; under considerable harassment in the summer of 1972, the Legal Aid Society of New York insisted that I had to go on welfare. The result of conditions at that time caused me loss of employment and of personal time, to my great detriment.

The emphasis of this letter is on Mr. Linden's apparently false accusations together with his unwarranted verbal abuse, and questions raised with any elements related to it: - my use of SSA funds allotted to me. Thank you for your attention, in writing, if you please.

Very truly yours,

Murel M. Branch

121-12-5528

-6c- f3q3

(A-5-3)

B/M-SSS

FURCH H. BRANCH

Permanent Mail Address
P.O. Box 99
New York, N.Y. 10024

January 20, 1975

Mr. B. Jungman
Social Security Administration
107 Broadway
New York, N.Y. 10019

Dear Mr. Jungman:

Thank you for your recent letter, undated, replying to mine of January 8, 1975.

It seems to me that there was a lot of unnecessary commotion on January 2, 1975, when Mr. Linden saw me. He seemed to take the assumption that I was trying to put something over by claiming money to which I was not entitled. I have not "claimed" anything as to funds.

A simple explanation as to the arithmetic of the situation appears to be:

1. That I am supposed to receive either SSI checks or SSA checks once a month - not both.
2. That the amount of the SSA check determines the basis of the SSI check.
3. That where there is a difference in the amounts of the two, the difference is deducted from the SSI check, and that
4. That the client is expected to use any SSA funds on hand to pay current expenses.
If this is the case, it was not explained in the interviews, as it should have been in the beginning.
5. That the client is not supposed to have more than \$1500 available cash in order to receive SSI checks. If this is so, it was not properly explained.

Now, I have not raised any argument as to the ins and outs of these five points. If adjustment is required, I need the correct information.

According to the award letter dated September 4, 1974, the total of \$9727.00 included all retroactive payments up to September 1, 1974. As of June 1974, the amended rate is shown as \$244.70 per month. Having verified the figures shown at the changing rates, I find that the rate of \$244.70 was applied for only three months, from June 1, 1974, to September 1, 1974, therefore I was not overpaid for the month of September. The check for September reached me on October 3, 1974, for which I have a photocopy as proof.

SS- MHB

A. Jungman - 2

January 20, 1975

Then, for the months of September 1974 through January 1975, five months at \$244.70 equals \$1,223.50, from which five times the \$20.00 exemption, equaling \$100.00, is deducted, leaves the amount of \$1,123.50 which the government would require as repayment.

Actually, I never did apply for SSI; the city welfare department informed me by letter in November 1973 that the case was to be transferred to SSI for 1974. Under the circumstances, I went along with it as being forced to accept it. If I had had any other financial resources I would have been only too happy to use them without recourse to any assistance.

~~Under Point 5 above,~~

Under Point 5 above, am I free to use any funds above \$1500.00 as I wish while I am not covered by SSI? In other words, by using SSA funds as awarded to me, without SSI payments coming to me, which I would not claim if I had other resources, - am I expected to report such use to SSA?

Also, what effect will this have on my residence at The Anthony Residence, assuming that their rate of \$335 monthly may or not continue?

I would appreciate it if you would confirm or explain any differences in what I have discussed here. Thank you.

Very truly yours,

Harold H. Branch

888-2114B

MUREL H. BRANCH

Telephone
683-0566

Social Security Administration
1657 Broadway
New York, N.Y. 10019

Permanent Mailing Address
P.O. Box 99
New York NY 10024

January 27, 1975

SSA 121-12-5528

Attention: S.S.I. - Mr. Linden

Gentlemen:

My statement follows:

My available cash totals about \$2400.00. You have seen my bank book.

Beginning September 1, 1974, I have received five monthly SSI payments of \$375.00 each. Of this amount I have paid each month to The Anthony Residence their rate of \$335.00 for services rendered.

Beginning October 3, 1974, I have received four monthly SSI payments of \$244.70 each, for the preceding month. I have not yet received an SSA payment for January 1975. These four payments have been retained, and are available for repayment of any overlapping amount.

Needless to say, I did not expect to receive both amounts under the existing Social Security regulations. For that reason, the four SSA payments have been held aside until the Administration had cleared its records and notified me of its findings.

The third paragraph of Mrs. Jungman's letter mentions a figure of \$395 which is not explained; then \$375 for September which is not clear. I assume that these statements will later be adjusted.

According to the information I have now from your office, it appears that I would be expected to repay the four SSA payments of \$244.70 mentioned above.

I fully understand the necessity for forms, but any statements which I sign must be my own, to avoid error. Mrs. Jungman's letter states that I am free to ask any questions.

Very truly yours,

Murel H. Branch

P.S. I have photocopies of all SSI and SSA checks received.

-9-

CHM 888
(A-7)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

1657 Broadway
New York, NY 10019

REFER TO:

Murel Branch
100-10-6020

586-2812 Ext. 748

Date: Jan. 29, 1974

Mr. Murel Branch
Anthony Residence
119 E. 29th St.
New York, N.Y. 10001

Dear Sir:

Please furnish the following in connection with your file. Please explain the nature of the \$400 exclusive of your bank account.

Your prompt reply to this request will help us give you better service. If you are unable to furnish the above, please call at our office, or notify us by mail or telephone. Office hours are 8:30 a.m. to 4:30 p.m. Monday through Friday.

Sincerely yours,

Mr. W. Linden

Mr. W. Linden
Claims Representative

Enclosure
Self-Addressed Envelope

C-20
10/74

- 10 -

~~ALL CHECKS RECEIVED~~

A-8

AURELIA. BRANCH

Permanent Mail Address
P.O. Box 99
New York, N.Y. 10074

February 3, 1975

Mr. W. Linden
Claims Representative - 1
Social Security Administration
1637 Broadway
New York, N.Y. 10019

100 - 101-12-0528

See my letter 1/29/75

Dear Mr. Linden:

Your communication of January 29, 1975, contains
the sentence: "Please explain the nature of the 2400
exclusive of your bank account."

The meaning of this is not clear.

Very truly yours,

(Ms) Laurel M. Branch

**this handwriting is the same
as handwriting of message of 2/4/75
re overseas**

All mail intended for me should
be addressed as above.

Postmarked 2/4/75

(Handwritten) Please put down on paper, what you told
me about the money entrusted to you by someone overseas.
entirely false accusation W. Linden, CAT

Hand orig. with
following added

Mr. Linden:

nothing - but nothing - has ever been trusted to with any money
not belonging to me.

ST
Please straighten out your records.

February 10, 1975

(signed) Laurel M. Branch

- 11a -

A-8

Following page
is duplicate of
this, with
envelope
imposed

Plus my
ltr. note to
me with more
added below

100-101-12-0528

MUREL H. BRANCH

Permanent Mail Address
P.O. Box 99
New York, N.Y. 10024

February 3, 1975

SSI - 121-12-5528

See my letter 1/27/75

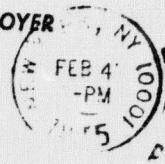
Mr. W. Linden
Claims Representative - SSI
Social Security Administration
1657 Broadway
New York, N.Y. 10019

Dear Mr. Linden:

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
DISTRICT OFFICE
1657 BROADWAY
NEW YORK, NEW YORK 10019

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER



A. Branch

This orig. ltr. refers to me with note added below.

All mail in
be addressed to

Murel Branch
PO Box 99
New York N.Y. 10024

Postmarked 2/4/75

(Handwritten) Please put down on paper, what you told
me about the money entrusted to you by someone overseas.
entirely false accusation W. Linden, CRT

*I ret'd orig. with
following added*

Mr. Linden:

February 10, 1975

No One - but NO ONE - has ever entrusted me with ANY money
not belonging to me.

Please straighten out your records.

- 11b -

February 10, 1975

(signed) Murel H. Branch

A-10

MUREL E. BRANCH
District Manager
Social Security Administration
1097 Broadway
New York, NY 10014

Permanent Mail Address
P.O. Box 89
New York, NY 10014

February 10, 1975

101 - 101-12-5526

Re: Attached sheet

Dear Mr. Stanley:

Your attention is directed to the attached sheet containing three messages.

1. My letter dated February 3, 1975, addressed to Mr. Linden in response to his communication dated January 29, 1975.

2. This letter returned by him containing a false accusation added by him, which I have so indicated. Postmarked 2/4/75.

3. My response of today's date. He is very much mistaken.

May I request that care be taken to prevent any such further errors.

Very truly yours,

Murel E. Branch

888-9m403

MUREL H. BRANCH

Permanent Mail Address
P.O. Box 99
New York NY 10024

February 19, 1975

Social Security
#121-12-5528

Social Security Administration
1657 Broadway
New York NY 10019

Attention: OSI

Gentlemen:

Recent communications from OSI offices have indicated veiled threats and false accusations, for reasons unknown to me. The latest: Notice of Planned Action dated February 11, 1975, based on "information received" by OSI.

The contents of such information have not reached me. I called at the office as requested for a review of eligibility, and submitted the bank book requested. No other documents were discussed, either by the interviewer or by me.

Later communications have not revealed the source or purpose of "information" mentioned. Until I receive precise details of such information as specifically applied to the problem in question, I cannot offer an answer to the complaint.

The latest booklet issued by DHEW as of January 1975, as well as other communications received by me on OSI matters, plainly states that I have the right to raise any questions I may wish in order to understand the program. I have asked questions in interviews and otherwise, which have been evaded. I claim my right to receive appropriate, clear answers to what I should know.

Accordingly, I request ALL THE RIGHTS to which I am entitled under

1. Case Review
2. Informal Conference
3. Formal Conference

to include a complete report to me of the "information" claimed by OSI which is detrimental to me.

Further: I claim all the rights of a private individual to act for myself, to speak for myself, to decide for myself, the needs of my circumstances.

NO ONE is authorized to speak for me.

I do insist that I have every right to receive correct information from OSI, without concealment of facts which OSI may claim.

Very truly yours,

Murel H. Branch

SSS - 4M 4B



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

1657 Broadway
New York, NY 10019

REFER TO:

Murel Branch
121-12-5520

Murel Branch
Anthony Residence
119 E. 29th St.
New York, N.Y. 10001

586-2812 Ext. 718

Date: Feb. 19, 1975

Dear Sir:

Please furnish the following in connection with your claim. Please submit all your bank books.

Your prompt reply to this request will help us give you better service. If you are unable to furnish the above, please call at our office, or notify us by mail or telephone. Office hours are 8:30 a.m. to 4:30 p.m. Monday through Friday.

Sincerely yours,

Mr. Linden

Mr. B. Linden
Claims Representative

Enclosure
Self-Addressed Envelope

C-20
10/74

3446-876

MUREL H. BRANCH

Permanent Mail Address
P.O. Box 99
New York NY 10024

February 28, 1975
S.S. 121-124552

Social Security Administration
1657 B roadway
New York, N.Y. 10019

Attention: Mr. Linden, S.S.I.

Dear Mr. Linden:

Referring to our telephone conversation of Thursday afternoon, enclosed is a photocopy of the "Certificate of Social Insurance Award", dated 2/4/74, which I promised to send you.

I had taken it for granted that the information contained therein was already accessible to you in the files on the second floor, which you state now seem to be lost or mislaid. This paper enclosing the retroactive check was received by me on September 10, 1974, as I have noted, and was sent out by the Bureau of Accounts, Division of Disbursement, 252 Seventh Avenue, New York 10001. The subsequent monthly checks also came from that address, as shown by the envelopes in which they reached me, which I have kept. Each of these envelopes is coded (S) at the left-hand end.

As stated in the preceding paragraph, it was because I had assumed that you already knew about this, that I could not understand the confusion.

You mentioned that, during our Thursday talk, my voice seemed to change. I had already spoken of a difficulty in hearing you. I believe that the problem was caused by someone listening in at the switchboard. In the past I have noticed, while waiting at the front desk, that incoming calls were sometimes monitored by a staff officer who would pick up a small receiver at the board. (on calls for a resident). Officers sometimes stand outside the pay phone booths here too while someone is talking. They are not soundproof. Mail delivery here is monitored by the staff, whom I have seen take mail from individual boxes and look it over. It seems to me that this a violation of personal privacy, a contradiction of what you spoke of Thursday as a confidential matter. All government checks are easily identified by color showing through window envelopes, by anyone who happens to see them. Someone who lives here told me that the watcher people coming to the mail boxes on days checks come in, to see whether certain ones got gold or green checks.

For the same and similarly related reasons that I have established a permanent mailing address elsewhere.

There is not a telephone in my room. When the buzzer sounds, it is necessary for me to go some distance down the hall to take an outside call. The phone is not private either; even when the door is closed, anyone in the hall can hear what is said.

Very truly yours,

-15- Murel H. Branch

(A-14)

24116-888



HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

121-12-5528 A

Certificate of Social Insurance Award

DATE 9/4/74

THIS IS TO CERTIFY THAT THE PERSON(S) NAMED BELOW BECAME ENTITLED TO THE INSURANCE BENEFITS SHOWN PAYABLE UNDER TITLES II AND XVIII OF THE SOCIAL SECURITY ACT

NAME AND ADDRESS OF PAYEE AS THE CLAIMANT OR AS REPRESENTATIVE OF THE CLAIMANT	TYPE OF BENEFIT	DATE OF ENTITLEMENT	MONTHLY BENEFIT
Harold H. Branch P.O. Box 471 New York, NY 10004	Retirement	9/70	\$161.50
		1/71	183.60
		9/72	220.40
		3/74	235.90
		6/74	244.70

AMOUNT OF FIRST CHECK: \$9727.00

The change in benefit rates ~~is~~ due to amendments to the Social Security Act.

The evidence presented to us shows your date of birth to be July 13, 1898.

Although you elected to receive benefits beginning April 1971 we changed this election to September 1970. Based on your prior date of birth and your filing date benefits can be paid beginning September 1970.

You hospital insurance coverage under title XVIII of the Social Security Act begins September 1970.

9/70 - 1/71	161.50	4	646.00
1/71 - 9/72	183.60	20	3672.00
9/72 - 3/74	220.40	15	3306.00
3/74 - 6/74	235.90	3	707.70
6/74 - 9/74	244.70	3	734.10

43 weeks = 4 yrs

9727.00 Rec'd 9/10/74
÷ 4 = 2431.75 per yr (coverage)

See the attached sheet for additional information about your claim.

The right to receive social security benefits carries with it certain responsibilities. They are explained in the booklet furnished you. Read this booklet carefully. Be sure that you understand clearly what you can expect by way of benefits, and what is to be expected of you. If you have any questions or wish additional information about your benefits, please get in touch with any social security office. Most questions can be handled by telephone or mail. If you visit an office, however, please take this Certificate with you.

NOTICE: You should submit a request with your request

COMMISSIONER OF SOCIAL SECURITY

E136(C)

ADDITIONAL INFORMATION ABOUT YOUR CLAIM

This action is based upon the additional evidence submitted and replaces our previous determination.

If you believe that the reconsideration determination is not correct, you may request a hearing before an administrative law judge of the Bureau of Hearings and Appeals. If you want a hearing, you must request it not later than 6 months from the date of this notice. You should make your request through any social security office.

E136(C)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Social Security Administration
No. 852 (9-72)

-16-

(A-16)

STATEMENT FOR DETERMINING CONTINUING ELIGIBILITY
FOR SUPPLEMENTAL SECURITY INCOME PAYMENTS

I understand that the information requested below is needed to determine my continuing eligibility to Supplemental Security Income and/or state supplementary payments and may result in an adjustment of my payment. I also understand that this information may be used in determining my eligibility for State Medicaid or social services.

B. Jungman

DEC 27 1974

21100
SSA DISTRICT OFFICE

(CIRCLE ONE)

CHANGE

NO CHANGE

Show your first name, middle initial, last name, and social security number in the spaces below. If you are married, your spouse's name and number should be shown below your name and number.

Your Name Murel Branch
121 Social Security Number 12 5528
121-12-5528
Spouse's Name
Social Security Number

1. Check (✓) the block below which shows your present marital status

A. ☒ Single
divorced
single
Remarks

B. ☐ Married and living with spouse

C. ☐ Married and living in a separate household from your spouse. Enter date you and your spouse began living apart

2. Check (✓) the box which shows where you now live.

A. ☐ A home which you own or are buying

B. ☐ Rented quarters such as a house, apartment, room, boarding house, etc.

C. ☐ In another person's household

D. ☐ In parent's household (applicable only if you are under age 21)

E. ☐ In a hospital, nursing home, or other institution (Show name and address of hospital, nursing home, or institution)

Anthony Residence, 119 E 29 St.
New York 10001

x Congregate Care Facility

Other (to print)

Congregate Care Facility - Anthony Residence
119 E 29 St. N.Y.C.

3. List any persons living in the same household with you

Name

Photocopy of
photocopy of
document rec'd
from file of
SSI Hearings
and Appeals Board

-17-

1084

(B-1-1)

9/28/76

A. Do you (or your spouse) expect to travel or visit outside the United States within the next 12 months? Yes ☒ No

If Yes, answer B, C, D, and E.

B. Who will be outside the U.S. (check one) ☐ you ☐ spouse ☐ Both

C. Expected date of departure ☐ D. Expected date of return to U.S. ☐ E. Name of country(ies) to be visited

A. State or the State of Michigan

Michigan

B. How long have you continuously resided in the United States? (Note: to reside in a place means to make it home there.)

from birth

FROM

TO PRESENT

C. Are you a U.S. citizen?

U.S. Citizen

☒ Yes ☐ No

D. How long have you been lawfully admitted for permanent residence in the United States?

☐ Yes ☐ No

E. Check the items below which describe the income payments you or your spouse(s) have received in the last 12 months. Indicate the amount of the income in the space to the right of the item.

A. Wages and salary

0

B. Unemployment benefits

0

C. Social Security benefits (include Social Security disability compensation)

244.70 SSA
244.70 SSA

D. Dividends, interest, or other periodic payments (include bank interest and stock dividends)

0

E. Support of contract or other arrangement for education

0

F. Other (specify)

8

G. Do you expect any change in the amount of your or your spouse's monthly income within the next 12 months? Yes ☒ No

7. Check the items below which you or your spouse(s) own or expect to own. Show the month and year that you or your spouse(s) will become the owner of the items.

Item

A. Home

B. Car or truck

C. Life insurance

D. Rental property, business, or other property

E. (X) Don't own any of these

DATE BECAME OWNER OF THE OWN

photocopy of
photocopy of
document rec'd
from file of
SIR hearings
and Appeals Board

8. How much money do you (and your spouse) now have? (Include cash on hand, checking and savings account balances, current value of stocks, bonds, and notes.) \$ 3,400.00 ¹¹⁴⁵⁰
\$2400 MHB

9. Do you own any items of unusual value such as antiques, art work, oriental rugs, tapestries, fine china, silver, furs, jewelry or expensive hobby equipment collections? ☐ Yes ☒ No

10. Do you own any real estate (other than your home)?

11. What is the value of other property that you (and your spouse) now own? (Include land, buildings, etc., but do not include ordinary household goods and personal effects in the home you own and live in, your car, or life or fire insurance.) \$ 0

12. Complete this question only if the child is under 18, blind or disabled and you are under age 22.

A. Are you not regularly attending school?

NA

N/A

☐ Yes

☐ No

If Yes, answer B and C.

B. Do you expect to remain in school for the next 12 months (except for summer vacation and other periods that school is not in session)?

NA

N/A

☐ Yes

☐ No

C. If there has been, or will be a change in your school attendance explain, giving the date school attendance started or stopped, and the name and address of the school you were attending, or are now attending or expect to attend.

YOUR RESPONSIBILITIES

You must notify the Secret Service immediately if there is a change in your name, address, living arrangements, family size, employment, income, resources, or if you leave the United States (50 States or District of Columbia) for 30 consecutive days.

If you are receiving treatment for a mental or physical condition, you must also report any improvement in your medical condition to your doctor.

Do you agree to notify the Secret Service of any change immediately? ☒ Yes ☐ No

-19-

Photocopy of
Photocopy of
Document rec'd
from file of
Agent [unclear]
and Appeals Branch

3-4

B-1-3

7/8/84 - 9446 - 044

My DOB 7/13/08 My DOB 7/13/08
 My old welfare center was Amsterdam
 My old welfare center was Amsterdam Avenue
 My rent per month is \$335 per month
 My rent last December was 208 including food
 I had no cooking facilities
 I received \$147 twice a month from welfare
 I received \$147 twice a month from welfare
 I have about \$3000 left

I know that anyone who makes or causes to be made a false statement or representation of material fact in an application or for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal or State law or both. I affirm that all information I have given in this document is true.

I received \$9700 from Social Security for retroactive SSA and I have about \$3000 left

Your Signature (First Name, Middle Initial, Last Name) (Write in ink) Murel H. Branch
 Date (Month, day, year) 12/27/74
 Spouse's Signature (First Name, Middle Initial, Last Name)
 Telephone Number(s) at which you may be contacted during the day 683-0566
 Mailing Address (Number and Street, Apt. No., P.O. Box, or Rural Route) 119 E. 29 St.
 City and State NY NY
 Zip Code 10001
 Enter name of county (if any) in which you live NY NY

NOTE: If residence address is different from mailing address, show residence address in "Remarks."
 Your statement does not ordinarily have to be witnessed. If, however, you have a witness to the signing who knows you, sign below, giving the signature of witness.
 1. Signature of Witness
 2. Signature of [unclear]
 All handwriting on these four pages was not by me, my signature asked for before form filled in by B. Jungman 12/27/74. My initials P.3 requested by B.J. Typescript by MHB

NOTE: If you are filing this application in person, please print below your full name, followed by your title and Social Security Number.
 Name (Last, middle initial, first) [unclear]
 Title [unclear]
 Social Security Number [unclear]
 4 of 4 (B-1-4)
 -20-
 Photocopy of photocopy of document rec from file of SSI Hearings and Appeals

121-12-55-28

NAME OF WAGE-EARNER OR SELF-EMPLOYED PERSON

TO: THE STATE OF OHIO FROM: THE DIRECTOR OF THE BUREAU OF REVENUE

THE UNIVERSITY OF CHICAGO PRESS

F. MARION SEFTON

MUREL BRANCH

TABLE OF CONTENTS

12/25

Dec. '23 and 15 about

208

had no cooking facilities

158

366

1/2/25: Claimant unwilling to

2/1/75 Catalogically described
"A. 1111" and "A. 1112" in

Typescript of above - MHB

No SSA fiche (?) -file? - MBR requested

Dec. '73 rent is about \$208

208

' had no cooking facilities

158

366

Not my

handwriting.

* Since claimant lives in congregate care facility, welfare verification is not necessary.

Different hand-
writing from preceding

1/2/75. Claimant unwilling to sign 632

Printed

1/21/75 "I categorically deny allegations of "threatening"
and "abuse" in Claimant's letter." W. Linden

-not

and

written

B. Jungman

CRT

Midtown

/Photocopy of photocopy
/ of document 'rec'd from
/ file of SSI Hearings
/and Appeals Board

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
BUREAU OF HEARINGS AND APPEALS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF H.E.V.

17 1-12-55 28

MURIEL BRANCH

12/25

208

I had no cooking facilities 158

366

DO NOT WRITE IN THESE SPACES

1/12/76: Claimant unwilling to
332

W. Zander

No SSA fiche (?) -file? - MBR requested

\$208

Not my

-158

handwriting.

~~Different hand.~~

writing from preceding/

Printed

~~not~~

hand-

B. Jungman

CRT

ଅନେ

FR

31

CLAIMS

DATE OF

24

21075, 27 (2)

Midtown

☐ OTHER (Specify) _____

~~copy of~~ photo-

copy of document rec

Committee Hearings and

Board

-22- B-2



DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

Form Approved
OMB No. 72-RD442

STATEMENT OF CLAIMANT OR OTHER PERSON

NAME OF CLAIMANT OR OTHER PERSON

MORRIS FRODO

NAME OF CLAIMANT OR OTHER PERSON (if other than above wage earner or self-employed person)

SOCIAL SECURITY NUMBER

121-12-5528

RELATIONSHIP TO WAGE EARNER OR SELF-EMPLOYED PERSON

Understanding that this statement is for the use of the Social Security Administration, I hereby certify that—

I live. I am a resident of the Anthony Residence, 114 E 29 St, New York NY 10016. But I wish to have my mail sent to P.O. Box 99, Planetarium Station, New York NY 10024. Permanent mail address

I realize that I will no longer be entitled to SSI payments until my bank balance falls below \$1,500.

I further realize that when my SSI payments resume, they will be reduced to allow for the fact that I am now receiving Social Security benefits. I wish to have these changes applied immediately so that no overpayment will be held against me.

It is my understanding that the difference between a P.D. of \$375 and a P.D. of \$244.70 will be the amount of the SSI payment monthly. When the bank balance falls below \$1,500, I will then give the SSA-795. There is no reason for me to dispute this. I will report this later. (D-2-11)

allowing for the fact that I am now receiving Social Security benefits. I wish to have these changes applied immediately so that no overpayment will be held against me. (all of above typed on back)

Written by interviewee
Dec 4 - 1966

See also report on page 2

76/12/16
9/13/76

23-1

STATEMENT OF CLAIMANT OR OTHER PERSON

Murel Branch

121-12-5528

I am a resident of the Anthony Residence, 119 E. 29 St., New York, 10016. but I wish to have my mail sent to P.O. box 99, Planetarium Station, New York NY 10024 - Permanent Mail Address.

I realize that I no longer will be entitled to SSI payments until my bank balance falls below \$1,500. I further realize that when my SSI payments resume, they will be reduced to allow for the fact that I am now receiving Social Security benefits. I wish to have these changes applied immediately so that no overpayment will be held against me.

--Above was handwritten by interviewer on face of this sheet. It replaced sheet of same date, on which my note to that effect appears in upper right hand corner, in my personal file, Appendix A-p.2

MHB

My signed statement following the above, handwritten:

It is my understanding that the difference between SSI of \$375. and SSA of \$244.70^x will be the amount of the SSI payment monthly when the bank balance falls below \$1500.00. My letter of today gives the figure. There is no reason for me to dispute this.. I shall report on this later.

allowing for \$20. exemption.

Murel H. Branch

Above is typescript of page 1 of Statement of Claimant ----- of 2-pages dated 1/2/75, unsigned by interviewer, but handwritten (printed) same as other documents and statements of same date in this section. My signature requested before statement filled in by interviewer. One of three or four such forms.

November 10, 1976

Murel H. Branch

1 of 3

-24-

121-12-5528

Del. A. 12

375. -
244.70
130.30

9-8-76

I know that anyone who makes or causes to be made a false statement or representation of material fact in an application for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal and/or State law. I affirm that all information I have given in this document is true.

SIGNATURE OF PERSON MAKING STATEMENT

Signature (First name, middle initial, last name) (Write in ink)
Murel H. Branch

Date (Month, day, year)
1/2/75

Telephone Number
683-0566

SIGN HERE Murel H. Branch

Mailing Address (Number and street, Apt. No., P.O. Box, Rural Route)
P.O. Box 99

City and State New York NY P.O. Box 99 New York NY 10024 Enter Name of County (if any) in which you now live New York New York

Witnesses are required ONLY if this statement has been signed by mark (X) above. If signed by mark (X) two witnesses to the signing who know the individual must sign below, giving their full addresses.

1. Signature of Witness Unsigned by interviewer

Address (Number and street, Apt. No., P.O. Box, Rural Route) ZIP Code
Unsigned by interviewer

Signature of Witness
before it is filled in by interviewer
My signature requested before statement filled in by interviewer
One of three or four such forms

BEST COPY AVAILABLE

-25- 3 of 3

B-3-3
Hearings and Appeals Board
Photocopy of
copy of original
recd. from file

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION



~~THIS FORM IS ONE OF SEVERAL WHICH INTERVIEWER ASKED~~

"WITHOUT FAULT" QUESTIONNAIRE

~~AS ON 5/27/74 TO SIGN WITH MHB. HE FILLED IN HIS STATEMENTS LATER~~

SOCIAL SECURITY CLAIM NUMBER
121-12-5528

121-12-5528

NAME OF INSURED INDIVIDUAL
Murel Branch

Murel Branch

NOTICE - Whoever makes or causes to be made any false statement or representation of a material fact for use in determining a right to payment under the Social Security Act is subject to not more than a \$1,000 fine or 1 year of imprisonment, or both.

NAME OF OVERPAID PERSON

Murel Branch

Murel Branch

1. Give the reasons you thought you were entitled to this payment
I assumed that the adjustment would be made without the need for action on my part.
Handwritten by interviewer. Linden

I did not "assume" any "rights". I accepted on basis of need.
MHB My reply: I did not "assume" any "rights". I accepted on basis of need. MHB

2(a) How did you report events which require holding back or stopping your payments?
In an SSI redetermination interview 12/27/74

In an SSI redetermination interview 12/27/74. Interviewer Linden.

My response: How could there be a "redetermination interview" on 12/27/74, when that date was my first appearance at the SSI office for an interview? MHB

(b) If you tried to hold your earnings down so that you could receive benefit payments, what did you do to limit your earnings?
I have never "held down earnings" for such a purpose. I have always tried to increase my earnings. I do not ask for "gifts". MHB

3. When did a social security employee first explain to you the conditions under which you could receive benefits?
Never. Never. (Linden's handwriting)

SIGNATURE OF OVERPAID PERSON OR REPRESENTATIVE PAYEE

Signature (First name, middle initial, last name) (Write in ink)

Murel H. Branch

Murel H. Branch

Mailing Address (Number and street, Apt. No., P.O. Box, or Rural Route)

P.O. Box 99, New York Station

City and State New York ZIP Code 10024

Enter Name of County (if any) in which you live New York

Witnesses are required ONLY if this statement has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the individual must sign below, giving their full addresses.

1. Signature of Witness

Address (Number and street, City, State, and ZIP Code)

2. Signature of Witness

Address (Number and street, City, State, and ZIP Code)

Photocopy of photo
Copy of document
rec'd from file of
SSI Hearings and
Appeals Board

9/18/76

DISTRICT OFFICE STATEMENT

1. Give your observations as to the "without-fault" allegation

Claimant is extremely
anxious to avoid any implication of wrongdoing
to the point of excessive scruple. Note that
2b does not apply as she has earned
income

Linden's handwriting. Claimant is extremely anxious to avoid
any implication of wrongdoing to the point of excessive scruple.

Note that ^{2b} ~~she~~ does not apply as she has earned income.
2. If misinformation is alleged, what do your records show and what is your recollection in the matter?

3. Has the beneficiary now been given a proper explanation of the retirement test?

4. Other comments

/Photocopy of photo
/copy of document
/rec'd from file of
/SSI Hearings and
/Appeals Board

Signature of District Office employee

DATE 1/2/75 1/2/75

W. Linden ORT

REPORT OF CONTACT
(Use ink or typewriter)

NAME OF PERSON OR SELF-EMPLOYED PERSON

NAME OF PERSON OR SELF-EMPLOYED PERSON (Specify)

121-12-25-10
Mazel Branch

- x She now states that she has had \$2,400 assets since 9/74, but refuses to tell where.
- x She alleges that much of this is from an SSA retroactive payment for several months, which does not agree with MBR. She promised to furnish SSA award letter to clarify situation.

False
False

My letter 2/28/75 addressed to him, enclosed a photocopy of SSA award letter as I promised.

He never answered MMB

Handwritten notes:
that \$2,400 assets since 9/74, but refuses to tell where. She alleges that much of this is from an SSA retroactive payment for several months, which does not agree with MBR. She promised to furnish SSA award letter to clarify situation. I have despaired of getting more cogent information from her.

I have despaired of getting more cogent information from her.

This report by W. Linden, dated 2/27/75, gives a biased picture and distorts the facts. It is one of the documents that I examined in the file at the Hearings and Appeals Board on July 20, 1976, at 250 Broadway, New York City. A copy of my letter to him, dated 2/28/75, was not in that file. There is a copy of it in the appendix of this appeal, section A Appellant's personal file, marked A Page 15

W. Linden CRT

REPORT BY <i>W. Linden</i>	DATE OF REPORT
TRICK OF FACE <i>W. Linden</i>	CLAIMS CLERICAL
SSA-2002 Midtown	OTHER (Specify)

Photocopy of photocopy of document rec'd from file of SSI Hearings and Appeals Board 1/10/29/76

-24- 1 of 1 B-5

REPORT OF CONTACT

(See instructions)

ACCOUNT NUMBER AND SYMBOL

121-12-5528

NAME OF PAGE LABELER OR SELF-EMPLOYED PERSON

(Should be - Murel)

MURIEL BRANCH

DATE OF CONTACT

05-09-75

She did not receive
She stated that she did not receive
May 1975 SSI check and wanted to
have redetermination done and
resolve her redetermination and
eligibility.

I made no
such state-
ment.MHB
I came in c
request of
SSI.

No check was issued for May
No check was issued for May
because she is in No4.
This, is because she received
This, is because she received

an SSA check for \$9727 in September 1974.

She had a redetermination on 12-27-74.

There was no
/redetermination
/on 12.27.74
/because that wa
/first day I was
/in.MHB

She was asked to provide evidence as to the disposal of the
\$9727
Apparently
this has not been done.

On 4-14-75 a notice of decision
On 4-14-75 a notice of decision
was mailed to her stating that
we were requesting refund of
all SSI payments from 7/74 thru
4/75 plus a systems generated check of March 74

/Notice rec'
/No particu-
lars given,
/only a dema
MHB

Thomas T. Hughes
Midtown

1 of 4

-29- 1084

B-6-1

This
Photocopy of phot
/copy of document
/rec'd from file o

REPORT OF CONTACT
(Type in ink or typewriter)

ACCOUNT NUMBER AND SYMBOL

121-12-5528

NAME OF PAGE EMPLOYER OR FULLY EMPLOYED PERSON

Murel

MURIEL BRANCH

DE MAT SE GE HAM WL BDI DIO SA

NAME OF CONTACT AND ADDRESS [] WE OR SE PERSON [] OTHER (S/N/6)

05-09-75

She stated that she had
She stated that she had
returned numerous checks
and that she had receipts
and that she would present them.

The calculation of OP appears
to be incorrect. i.e. 10 months
at \$375 would be \$3750 + \$159.20 =

3909.20 not 3929.20

Not true
as stated

MHB

She also stated that she used
She also stated that she used
most of the \$9727 to pay debts
owed and that she will
present receipts for the payments
of these debts.

She stated that she still
has resources of over \$1500
but that consists mainly of
her SSA checks of \$244.70 per
month which she has retained
since January 1975.

Thomas R. Hughes

x

Midtown

I did not
make any of
these state-
ments at any
time. MHB

26
Photocopy of photo
copy of document rec'd
from file of SSI Hearin
and Appeals Board
/10/29/76

2 of 4

-30-204

B-6-2

Murel

DATE OF CONTACT
05-09-75
05-09-75

I explained to her, the \$1500 income limit and the \$1500 resources limit. I also explained that the \$9727 check made her ineligible for the third quarter of 1974 because it was income during that quarter and that beginning Oct. 1974 it became a resource. In both cases, above the maximum allowable for eligibility.

His wording at the time was somewhat different.

MHB

We went thru the correspondence line by line and I explained the reasons and definitions for all actions taken and contemplated.

Not done.

Little explanation.

MHB

Photocopy of photo-copy of document / rec'd from file of 10/29/76

PAGE 3 of 4

Thomas T. Hughes

X

CLERICAL

OTHER (Specify)

Midtown

U.S. GOVERNMENT PRINTING OFFICE: 1975-545-516/239 3-1

(Type in full name)
 NAME: *Mural*
 ADDRESS: *1234 Main St, Apt 2, New York, NY 10001*
 CITY: *New York* STATE: *NY* ZIP: *10001*
 DATE OF BIRTH: *05-09-75*
 SOCIAL SECURITY: *123-45-6789*
 PHONE: *212-123-4567*
 OCCUPATION: *Student*
 EDUCATION: *High School*
 MARITAL STATUS: *Single*
 RELIGION: *Catholic*
 RACE: *White*
 ETHNICITY: *Irish*
 SEX: *Male*
 HEIGHT: *5'10"* WEIGHT: *150*
 HAIR: *Brown* EYES: *Blue*
 SKIN: *Fair*
 BLOOD TYPE: *O+*
 ALLERGIES: *None*
 MEDICAL HISTORY: *None*
 CURRENT MEDICATIONS: *None*
 DRUGS: *None*
 ALCOHOL: *None*
 TOBACCO: *None*
 OTHER: *None*

I made a photocopy of a letter
 from her to Bill Linden asking about
 the nature of the "\$2400", listed on
 8200. This is supposedly money
 "entrusted" to her, but she denies
 that any money, money has been
 entrusted to her in her letter
 of February 10, 1975 which is typed
 on Bill Linden's letter of February 3, 1975.
 This letter was not in the file. It
 refers to Mr. Linden's letter
 of January 19, 1975.

A
 Complete
 mystery
 What is
 source
 of such
 statement
 MHB

I am requesting that a letter be
 typed and mailed to her requesting
 that she present receipts she
 claims to possess for returned
 checks and/or for debts paid
 and purchases of necessities.

Apparently
 his letter
 of 5/22/7
 mentioning
 sum of
 \$97.27.
 MHB

SIGNATURE: <i>Thomas T. Hughes</i>	DATE OF REPORT: <i>05-09-75</i>
DISTRICT OFFICE: <i>Midtown</i>	OTHER (Specify):
CLAIMS CLERICAL: ☒	PAGE: <i>4 of 4</i>

REPORT OF CONTACT

Please type a letter

Murel

Murel Branch

DATE OF CONTACT

05-13-75

P.O. Box 99

P.O. Box 99

Planetarium Station

Planetarium Station

N.Y. N.Y. 10024

N.Y. N.Y. 10024

Please present all receipts for
debts paid and purchases of
necessities which involved the
use of the 8927 social
security check.

Sincerely,

P. Hughes

/Photocopy of photocopy of
/document rec'd from file
/of Hearings and Appeals
/10/29/76.

SIGNATURE

Thomas t. Hughes

DATE OF REPORT

05-13-75

X X

Note: His request
to type letter dated 1/1
letter dated 5/22/75
preceding page.

Midtown

-33-

13-7

May 22, 1975

Mr. T. Hughes
Claims Representative

(His handwritten instructions to
typist on following page)

preceding

/Photocopy of photocopy
/of document rec'd from
/file of SSI Hearings and
/Appeals Board 10/29, 6

Typescript of above:

Muriel Branch
Plazmitarium Station
New York NY 10024

May 22, 1975

Dear Mr. Branch:

Please present all receipts for debts paid and purchases
of necessities which involved the use of the \$97.27 Social
Security check.

Sincerely yours

(signed) Mr. T. Hughes
Claims Representative.

Supplemental Security Income Notice of Decision

From: Department of Health, Education, and Welfare

Social Security Administration
1927 Broadway, Fifth Floor
New York, NY 10017

Date: April 14, 1975

Claim Number 121-12-5529

Harold Trach
100-100 69
Brooklyn, N.Y. 11210

This concerns the incorrect supplemental security income payments of \$ 929.20 for Jan. 1974 thru April 1974. We have determined that repayment of this amount is required.

An overpayment must be paid back unless both of the following are true:

- (1) You were not at fault in causing the overpayment, and
- (2) You could not meet your necessary living expenses if you had to pay back the overpayment or we kept your refund, or repayment would be unfair for some other reason.

We find that you do not meet these conditions because you have repeatedly concealed documentation of assets as became of the remaining funds from your \$2,727.00 LIA check. Since we have no verification of what your actual resources are we have no choice but to require complete repayment of the overpaid amount on your Supplemental Security Income account.

Refund of the overpayment in the amount of \$ 929.20 should be made by check or money order payable to "Social Security Administration, claim number 121-12-5529" and mailed in the enclosed envelope.

If you cannot make the refund payment we may be able to impute a credit against your debt.

See other side for important information.

✓ Photocopy of
/ photocopy of
/ document receive
/ from file of
/ SSI Hearings and
/ Appeals Board

-35-

B-10

WPA-9/28/76

Please get a copy of this notice sent to you by mail.

- ▶ You have any questions about your claim.
- ▶ You wish more information about your claim.
- ▶ You have reason to believe that there is an error in your payments.

Most questions and requests or changes can be handled by telephone or mail. You visit your social security office, however, please take this notice with you.

Your right to appeal the decision made on your claim

If you do not agree with the decision shown on the back of this notice, you may request a review by the Administrative Law Judge of the Social Security Administration. If you want a hearing, you must request it no later than **30** days from the date you receive this notice. You must include your request with a written statement of the facts and evidence you have, and give it to the social security office. If you have information or evidence you have not given us before, please submit it with your request.

If you decide not to request a hearing within the 30 day period, you cannot ask for a further review of your claim later. Please read the leaflet sent with this notice for a full explanation of your right to appeal.

1744 a-9/28/76

**DISTRICT OFFICE
RECORD OF SSI RECONSIDERATION**

NAME OF CLAIMANT: Muriel
Minick Branch
 NAME OF SECURE: SSN 121-12-5528

DATE RECEIVED: 2/19/75
 DATE OF INITIAL RECONSIDERATION: 2/19/75
 TYPE OF RECONSIDERATION:
☐ INFORMAL CONFERENCE
☒ **FORMAL CONFERENCE**
☐ CASE REVIEW
☐ INITIAL APPLICATION
☐ POST-ELIGIBILITY

ISSUE: (Check one or more blocks and briefly explain disagreement.)
☐ INCOME
☐ AGE
☐ 1/3 REDUCTION
☐ CITIZENSHIP
☐ RESOURCES
☐ SCA
☐ MARITAL RELATIONSHIP
☐ OTHER (Describe)

WAS NEW EVIDENCE OBTAINED? ☐ YES (Describe below) ☒ **NO**

RECORD OF CONFERENCE

DATE OF CONFERENCE: 8/7/75
8/07/75
☐ BY TELEPHONE
☒ **IN PERSON**

IF IN PERSON, GIVE LOCATION: 100

WAS NEW EVIDENCE PRESENTED DURING OR AFTER CONFERENCE? ☐ YES ☒ **NO**

DOES CLAIMANT HAVE A REPRESENTATIVE? ☐ YES (Complete below) ☒ **NO**

NAME: /This was meeting set up by
/Candace Dzuiba. She did not

DID REPRESENTATIVE APPEAR AT CONFERENCE? ☐ YES ☒ **NO**

WERE WITNESSES PRESENTED? ☐ YES ☒ **NO**
at this meeting, (or
that it was a conference. MHB considered
that C.Dziuba was acting as a
witness for her employer, the
Salvation Army, though she
claimed she wanted to help MHB.

/Photocopy of
/photocopy of
/document rec'd
/from file of
/SSI Hearings
/and Appeals Board

RECONSIDERATION DETERMINATION

☒ AFFIRMATION

☐ REVERSAL

☐ MODIFICATION

RATIONALE SUPPORTING DETERMINATION

Ms. Branch had stated she would supply documents later as to her present resources. Ms. Candace Dziuba was with her and requested that more time be given. Accordingly, three weeks were given for Ms. Branch to obtain records so will remain SO9 (failure to) for the present.

Typescript of above: Ms. Branch had stated that that she would supply documents later as to her present resources.

Ms. Candace Dziuba was with her and requested that more time be given. Accordingly three weeks were given for Ms. Branch to obtain records so will remain SO9 (failure to) for the present.

The above statement, written by interviewer, R. Rohr, is not true as it stands. I did not say anything about supplying documents. Interviewers said at different times "to bring in documents and papers", but I made no promise or statement to that effect. I was not informed of any three weeks or other time.

MHB

/Photocopy of
/photocopy of
/document rec'd
/from file of
/SSI Hearings
/and Appeals Board

Acting O/S

DATE OF DETERMINATION

Doc No

SIGNATURE AND TITLE

Robert Rohrs

DATE Robert Rohrs 9/3/75

-38- 2 of 2

B-13

Supplemental Security Income Notice of Reconsideration

Copy

From: Department of Health, Education, and Welfare
Social Security Administration

Date: November 5, 1975

Claim Number: 121-12-5528

Reconsideration Filed: 2/19/75

Marcel Jacob
c/o. Box 99
New York, N.Y. 10024

An informal conference was held on August 7, 1975 at the Midtown District Office. Your case was fully reviewed and explained to you on what basis we feel there are excessive resources on your part. In particular the question of disposition of the large retroactive Social Security check of \$9,727.00 was covered.

We have given you additional time to submit your bankbook and documentation of your expenses and you have failed to do so.

Under the Supplemental Security Income laws, to be eligible you must have under \$1,500.00 in resources.

To the best of our knowledge, you are still over the resource limitations of the Supplemental Security Income program and your check has been correctly stopped.

44a - 9/28/78

Important: See other side for notice of your appeal rights and other information.

7 photocopy of
/ photocopy of
/ document received
/ file of
/ SI hearings at
/ Appeals Board

39- B-14

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
BUREAU OF HEARINGS AND APPEALS

ORDER

IN THE CASE OF

Claim for

Supplemental Security Income

(Claimant)

121-12-5528

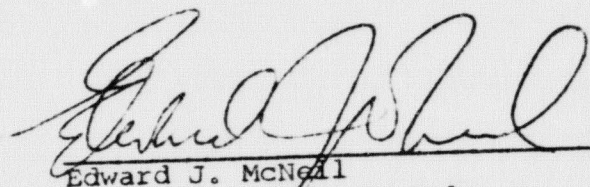
(Social Security Number)

(Wage Earner) (Leave blank if same as above)

Pursuant to a Request for Hearing filed by the claimant on December 15, 1975, the above-entitled matter was set down for hearing on July 6, 1976, September 28, 1976, November 9, 1976, and February 8, 1977. On the Amended Notice of Hearing sent to claimant on January 27, 1977 setting the hearing for February 8, 1977, claimant was informed that, "In view of the fact that this case has been postponed three times, no further requests for postponement will be honored".

At the time and place fixed for hearing, claimant did not appear, and prior to the time for hearing, such party did not show good cause as to why she could not appear.

Accordingly, claimant's Request for Hearing is dismissed upon its abandonment in accordance with Section 416.1450 Code of Federal Regulations.



Edward J. McNeil
Administrative Law Judge

Date: February 9, 1977

APPEARANCE AT HEARING
Murel H. Branch

Recd. 1/29/77
121-12-5528

Time and date - 2/8/77 @ 9:30 a.m. NY

Murel H. Branch

683-0566

x I will not be present

I deny all allegations in the documents on file with the Hearings Board, until such time as the entire case can be heard by trial judges of the United States Board of Appeals.

Mailed 2/2/77

2/11/77

~~Above is photocopy of~~

Above is photocopy of message typed on return postcard dated 2/2/77, to the effect that I would not be present at the hearing on 2/8/77. I do not waive any rights I may have in this matter, as set forth in prior responses filed in this matter. I have not abandoned any previous claims as filed in the courts.

(Signed) Murel H. Branch 121-12-5528

C-2

-4P-

P. O. BOX 99
New York 10024
DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
BUREAU OF HEARINGS AND APPEALS

Name and Address of Claimant:

Miss Murel H. Branch
P. O. Box 99
New York, New York 10024

NOTICE OF DISMISSAL

PLEASE READ CAREFULLY

If you disagree, in whole or in part, with the enclosed order of dismissal, you may request the Appeals Council to review it. However, your request for review must be filed within 60 days following the date shown below.

You, or your representative, may file the request for review at your local social security office, or it may be filed with the hearing office or the Appeals Council.

This notice and enclosed copy of
order of dismissal mailed

February 9, 1977

CC:

Name and Address of Representative:

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
BUREAU OF HEARINGS AND APPEALS
SUPPLEMENTAL SECURITY INCOME
1180 RAYMOND BOULEVARD, ROOM 1522
NEWARK, NEW JERSEY 07102

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF H.E.W.
HEW 395



C1
3

-42-

Upon execution of judgment WAIVE EVICTION if:

- I. a. Minimum \$2000.00 payment within 10 days;
- b. Promissory note (without interest) for balance, due one year from date; renewal for unpaid balance after one year, for maximum one year additional at 5% per annum
- c. Minimum monthly payments of \$200.00 (or more) on account for existing charges, pending resolution of SSI litigation, SS1 monthly payments in full thereafter, when and if SSI benefits restored, for monthly charges for period ensuing the months after said restoration, plus additional \$25.00 arrears accruing during period from execution of judgment to resolution of SSI litigation; SS1
- d. Total elapsed period must be no more than two full years from date of judgment execution;
- e. At second anniversary of execution of judgment, all due and past due charges will be payable on demand of SA.

(OR)

II. Payment in full upon execution of judgment and waiver of eviction.

(OR)

III. In event of failure to agree as I. or II. above: eviction from premises as indicated and imprisonment or other such penalty as court shall provide.

NOTE: On photocopy received from, and with, attorney's letter of 2/23/77, at top, stamped with rubber stamp, Salvation Army, Anthony Residence, 119 E. 29th St., New York, NY 10016

and -Salvation Army Y. Purely.

Branch

10-1
Feb. 16, 1977

mmx

February 23, 1977

Ms. Murel Branch
P. O. Box 99
New York, New York 10024

Re: The Salvation Army v. Branch

Dear Ms. Branch:

Our client, The Salvation Army, submits the attached proposal to you. Please get in touch with us regarding same.

Very truly yours,

WEIL, GOTSHAL & MANCES

By:

Myron J. Meadow
Myron J. Meadow

MJM:sc
Encl.

cc: Major Howard Daniels

P.O. Box 99
New York, N.Y. 10024

March 31, 1977

Mr. Myron J. Meadow
Weil, Gotshal & Mances
707 Fifth Avenue
New York, N.Y. 10022

Re: The Salvation Army v. Branch
115-1-10

Dear Mr. Meadow:

Your letter of February 23, 1977.

Enclosed, a request of Theresa Branch, a defendant in the case captioned as above.

Very truly yours,

Murel A. Branch

D.
2

-44-

WILLIAM BOOTH
FOUNDER

CLARENCE WISEMAN
GENERAL



FOUNDED 1865

THE SALVATION ARMY

(INCORPORATED)

ANTHONY RESIDENCE

119 EAST 29th STREET
NEW YORK, N. Y. 10016
TELEPHONE (212) 683 0566

BRAMWELL TRIPP
TERRITORIAL COMMANDER

LT. COLONEL WALTER FRENCH
GREATER NEW YORK
DIVISIONAL COMMANDER

MAJOR HOWARD DANIELS
ADMINISTRATOR

December 30, 1976

Mural H. Branch
Room 520
Anthony Residence

My dear Mr. Branch:

I am in receipt of your letter of December 30, 1976 re: partial payment on account.

Please recall that on more than one occasion in discussions in my office I have requested, suggested and/or demanded payments on your account. I have reiterated that although OSI payments were in abeyance until resolution of your discussions and hearings with SSA and OSI officials that it was ~~not~~ appropriate for you to remain at Anthony Residence for nothing - or without making some payments toward current and past due charges for room, meals and services.

I never did suggest or quote specific figures. I would now propose the following.

Inasmuch as you have in affidavits to courts indicated an SSA monthly benefit of \$244.70, in my judgement it would be suitable that \$200.00 per month as partial payment on current and past due charges be made on account the beginning of each month as such checks are received by you. Had you been doing this, which appears an equitable share leaving you a comparative pro rata personal monies amount in relation to the combined SSA and OSI total receivable prior to suspension of OSI benefits:

Had you been pursuing such action heretofore the judgment of \$6111.90 (as of Dec. 31) against you, as determined in Civil Court, Dec. 29, 1976, would be only \$2111.90! You have also admitted to having \$2400.00 in savings account.

We have never stated we would receive full payment only. Any partial or lump sum payments will, of course, be received without prejudice. Thank you for your consideration. With every good wish for the New Year, I am,

Sincerely yours,

-45- *Howard Daniels*
Major

D-3

December 30, 1976

Major Howard Daniels
The Anthony Residence

Dear Sir:

Any partial payment I might make on the amount claimed would be too small to have much effect on the total. As you know, monthly payments were dependent from the beginning upon payments to me of SSI benefits - Supplemental Security Income - a sub-unit of the Social Security Administration. You are acquainted with the details.

You have never requested me ^{to} nor suggested that I pay any partial amount. Therefore, I assumed that only payment of the full monthly rate would be considered acceptable by you.

Very truly yours,

#520

Murel H. Branch

Q-1

December 31, 1976

Major Howard Daniels
The Anthony Residence

RE: Your letter 12/30/76

Dear Major Daniels:

It is presumptuous - and untrue - that I "remain at Anthony Residence for nothing". Monthly statements signed by you clearly specify that a regular amount is charged to my account here, showing a cumulative total - certainly not "nothing", and certainly not "free". I do not regard the situation as "free" or "nothing".

To be deprived of adequate income is serious for anyone. The action you have taken is a despicable trick.

Other statements in your letter cannot be discussed at this time.

Very truly yours,

-46-

Murel H. Branch

D-4

MURIEL H. BRANCH

March 2, 1977

Dear Major Daniels:

Re: your note 3/2/77
I have never considered that there was any guarantee of continuing residence, nor claimed such. You misconstrue my intent.

My sole concern has been what I believe to be false allegations of fraud, as I believe you understand. I merely asked for clarification of the recent billing, which you have now supplied.

Very truly yours,

Muriel H. Branch

Muriel H. Branch

Robert R. - 1



Memo
from the desk of *Howard Daniels*

March 2, 1977

Muriel H. Branch
1001 500

Dear Mr. Branch:

I am enclosing a copy of bills dated February 1, 1977 and March 1, 1977.

These bills are in payment for. As the bill for the month of February, 1977, was for \$100.00, and the bill for the month of March, 1977, was for \$100.00, this is a service charge of \$100.00 of the month.

The bills of payment are for the month of February, 1977, and the month of March, 1977, which are enclosed. Your recent letter in the month of February, 1977, is also enclosed.

These bills are in payment for the month of February, 1977, and the month of March, 1977, which are enclosed. Your recent letter in the month of February, 1977, is also enclosed.

The bills are in payment for the month of February, 1977, and the month of March, 1977, which are enclosed. Your recent letter in the month of February, 1977, is also enclosed.

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United States Court of Appeals
SECOND CIRCUIT

***** X

MUREL H. BRANCH,

Plaintiff,

-Vs-

SOCIAL SECURITY ADMINISTRATION/
SUPPLEMENTAL SECURITY INCOME ET AL.,

AND

THE SALVATION ARMY/THE ANTHONY
RESIDENCE, ET AL.,

DEFENDANTS.

***** X * * X

THE SALVATION ARMY,

Petitioner-Landlord

-vs-

Murel H. Branch,

Respondent-Tenant

***** X * * X

PRO SE

IN FORMA PAUPERIS

76 CIV 698 CES

: STATEMENT OF APPELLANT
: FOR ALL PARTIES CONCERNED
: IN BOTH ACTIONS AS BEING
INTERRELATED
- - - - -

: CIVIL COURT OF
THE CITY OF NEW YORK

: I&T Index #116647/76

: JUDGMENT SUBJECT TO
APPEAL IN CIVIL COURT

TO ALL DEFENDANTS IN U.S. ACTION, 76 CIV.698,
and TO PETITIONER-LANDLORD IN CIVIL COURT
CASE I&T Index #116647/76:

PLEASE TAKE NOTICE THAT: Upon dismissal of U.S. 76 CIV.698,
a Notice of Appeal dated January 31, 1977 was filed in the
Court of Appeals on February 1, 1977; was entered in the Second
Circuit as of February 23, 1977; THAT, under date of March 11,
1977, the record on appeal was certified and transmitted to the
United States Court of Appeals for the Second Circuit:

PLEASE TAKE NOTICE ALSO THAT: Under date of March 14, 1977,
Murel H. Branch submitted Form C, Civil Appeal Pre-Argument
Statement to the Court of Appeals, and that copies thereof were
mailed on March 15, 1977, along with an order for transcript, to
Nathaniel Gerber, United States District Attorney, United States
Court House, Foley Square, New York 10003; and to Weil, Gotshal
& Manges, 707 Fifth Avenue, New York 10022.

DE 5

PLEASE TAKE NOTICE FURTHER THAT: The Appeal Branch has been entered by the Court under Docket No. 77-6051, Civil Appeal Scheduling Order #1, with orders as to the proceeding to be followed.

The Civil Court Action of the City of New York, I&T 116647-76, overlaps in subject matter the same cause already set forth in U.S.S.D. 76 Civ.698. It is closely related to the question of Supplemental Security Income discussed in that record, and properly comes within consideration by the Court of Appeals, Second Circuit.

This document is prepared for all parties of interest in the matters of record, by Murel H. Branch, to inform them that, at this point, she is not to be subjected to pressures by any of them, calculated to cause her to desist from continuing her appeal.

I, Murel H. Branch, Appellant, hereby affirm that all statements made herein, are true to the best of her knowledge and belief.

(Signed) Murel H. Branch
Murel H. Branch

Date March 25, 1977

Neil, Gotshal & Manges, 767 Fifth Avenue, New York 10022.
Nathaniel L. Gerber, Assistant District Attorney, U.S. Department of Justice, Foley Square, New York 10003.
The Honorable Edward Thompson, J.S.C., Deputy Administrative Judge, City of New York, 111 Centre Street, New York, 10003.
Major Howard Daniels, Administrator, The Anthony Residence.

March 30, 1977

Dear Major Daniels:

Your note of 3/21/77 reached me Tuesday afternoon.

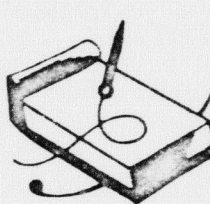
Your attorney, Byron J. Meadow, has received, and/or will receive, notice of any proceeding in the courts.

Accordingly, I claim my constitutional rights to be protected from any harassment in the matter during the course of litigation.

Very truly yours,

- 48 - Murel H. Branch

D-6



Memo

from the desk of

Howard Daniels



Mr. Daniels: 24 FOR YOUR INFORMATION
7/10/77

I suggest that you will
receive a transcript of trial
until you pay the required
fee. It is, my understanding,
my best knowledge are
not here, but parties
regarding same pay fees.
costs, etc. I would guess
one of the length of the
12/29/76 trial could cost
\$50.00(+) - and will be delayed
pending payment!

H. Daniels

3/28/77

Personal
Please D Branch (Sx)
I am sorry for the copy of
your "STATEMENT". We have
not received or do we know of
the existence of any order setting
aside the Interlocutory, or
stay operation of Civil Court of
City of New York (2/12/77). Nor
have we had any communication
from you indicating response to
proposed payment of indebtedness.
Consequently - nothing is
changed except of your Continuing
of interrelationship of two exclusive
jurisdiction

H. Daniels

-50-

8-7

At an Appellate Term of the Supreme Court, first department, held at the
Court House, Borough of Manhattan, City of New York, on the
27th day of April, 1977.

Present:—Hon. EDWARD R. DUDLEY P.J.
" THOMAS J. HUGHES
" CHARLES G. TIERNEY Justices.

THE SALVATION ARMY,
Petitioner-Landlord-Respondent,

vs.
MUREL H. BRANCH,
Respondent-Tenant-Appellant.

Order upon motion. 48212/77

Civil Ct. Index# L&T 116647/76

The above named appellant having by notice of motion
dated the 8th day of April, 1977 moved for an order
staying the enforcement of the judgment of eviction and execution
of any warrant of eviction pending the determination of the appeal
herein, and granting appellant leave to prosecute the appeal as a
poor person,

Now upon reading and filing said notice of motion and the affidavit of

Murel H. Branch ~~xxxxxxx~~ verified the 18th day of April, 1977
and the papers annexed

statement
in favor of said motion, and the affidavit of

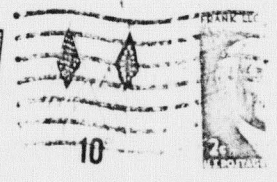
Myron J. Meadow affirmed
verified the 21st day of April, 1977

Enter,

Justice, Appellate Term,
Court, first department

FIRST JUDICIAL DISTRICT
SUPREME COURT OF THE STATE OF NEW YORK
60 CENTRE STREET, NEW YORK, N. Y. 10007

APPELLATE TERM, SUPREME COURT
STATE OF NEW YORK, FIRST DEPARTMENT
60 CENTRE STREET, NEW YORK, N. Y. 10007



PD Box 7
Nyc 10024
11

-51-

D-8

Anthony Residence

DATE May 5, 1977

YOUR CANCELLED CHECK IS YOUR RECEIPT

Aug 1977

Amoy

1977

Copy

5/6/77

Major Howard Daniels.

Upon inspecting containers in basement

Thursday p.m., ~~I find some items~~ ^{of my personal property} are missing:

~~I~~ ^{by now} taken from my room 500, the following ^{aboard}
to be missing:

1. Lg. carbon ^{w. contents} which was in closet.
2. Several smaller ^{in closet} boxes w. contents
3. 4 boxes items

4 Insults of stationery which was in Bureau

5. Number of ^{con} tract articles

to Insuring of book ~~and personal~~ ~~and personal~~

in that you are morally responsible, also
for your deliberate intent ~~by entering~~, to
sneak into my personal papers when you
were ^{well} ~~ought~~ to do so.

You are liable for all of the above.

Very truly yours,

M H B

Inserts

You are guilty of.

1. Unlawful break in and entry of
premises of which I had legal possession
at the time of your entry.
2. - Take over of my personal
property ~~when I was not present~~
~~as my absence from~~
~~home~~ when you knew I was out
of ^{Latin Bldg.} ~~home~~
3. ~~violation of~~ ^{because} ~~was~~ ^{actual.}
No marshal present at ^{violation}, as
required by law.
4. You ~~entered~~ ^{entered} ~~before~~ ^{at 1:10 pm to sneak}
~~into my personal~~ ^{into my personal} ~~papers~~ ^{papers}
5. ~~officers~~

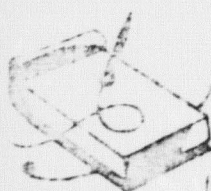
D-10

6. To document specified ^{copy} only "spec" to be ⁽³⁾
reproduced.

7. To not specify that landlord has
any right to withhold or take possession
or control of any personal property.

8. To not specify that such action ^{it} be taken
without knowledge or consent or in
absence of owner.

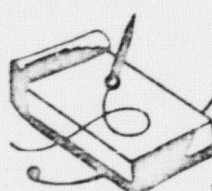
Therefore, you are morally responsible
for any loss or damage, or inconvenience to me
resulting from your illegal entry at 12:30 pm
75 into room 520, when you knew I was elsewhere. ^(over)



Memo

from the desk of

Howard Daniels



Memo

from the desk of

Howard Daniels



Head Office
 1. Memorandum of amendments
 in storage of files in the case

2. We had a notification of
removal from city files in
 for Case 82 notified by
Assistant Attorney General
on 10/17/57 and the
date of the notification
after that the immediate
action was necessary.

3. The case has not been to be closed
the 3 months needed to
accomplish the two deposits
indicated.

4. Please, don't take on your own any
moral responsibility in this
matter after you did not
pay one cent to the Recorder

for 23 months, which
 according to legal requirements
 for \$75.00 and simultaneously
 by receiving acknowledged
proofs of over \$5000.00 !!!

LL

You have received proofs
 for a limited time - no more
 than 3 days - after that
are not responsible if you do
not remove them (because
days : Mon-Fri, 9:00 AM - 5:00 PM)

LL

-57

2-12

8/9/77

Major Howard Daniels:

I always notify the Post Office as to where I want my mail sent. Any mail addressed to 114 E. 29 St. is not authorized by me to take from election notices. My answer to your appeal is "NO".

I withdraw my statement as to my moving items. Sorry.

Very truly yours,

Murel H. Branch

X and should be returned to sender.

May 13, 1977

Dear Major Daniels:

- Your recent note:
1. Sight witnesses: I didn't see any. 8 to 11! I will know after going over everything, whether it is all right.
 2. Entering, what you knew I was not there!!!!
 3. Some of my belongings were packed by your staff; they were damaged, scattered, jumbled. I know what I did.
 4. I recall something about the 111 in this situation, and how it affected my income.
 5. Cora mentioned the 30-32's to me last week.

Very truly yours,

Murel H. Branch